

VILLAGE OF LONG GROVE

ORDINANCE NO. 2020-O-\_\_\_\_\_

**AN ORDINANCE GRANTING A SIDE YARD SETBACK VARIATION FOR  
CONSTRUCTION OF A BUILDING ADDITION AND ATTACHED GARAGE  
(7031 N. Willow Springs Rd.)**

Adopted by the  
President and Board of Trustees  
of  
the Village of Long Grove  
this \_\_\_\_\_ day of \_\_\_\_\_, 2020

Published in pamphlet form by direction  
and authority of the Village of Long Grove,  
Lake County, Illinois  
this \_\_\_\_\_ day of \_\_\_\_\_, 2020

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**AN ORDINANCE GRANTING A SIDE YARD SETBACK VARIATION FOR  
CONSTRUCTION OF A BUILDING ADDITION AND ATTACHED GARAGE**  
(7031 N. Willow Springs Rd.)

**WHEREAS**, Bryan and Michelle Praner (collectively, "**Owner**") are the owners of that certain real property commonly known as 7031 North Willow Springs Road, Long Grove, Illinois (PIN No. 15-06-101-015) and legally described and depicted on the plat of survey attached hereto as Exhibit A (the "**Property**"); and

**WHEREAS**, the Property is zoned in the Village's R-2 Single Family Residence District and is currently improved with a single family residence, a detached accessory garage, and a storage shed (the "**Improvements**"); and

**WHEREAS**, the Property is part of the Fred & Russell Towner Subdivision, which was platted under the jurisdiction of Lake County in or around 1952; and

**WHEREAS**, the Improvements were thereafter permitted and constructed on the Property under Lake County's jurisdiction, and the Property was subsequently annexed into the Village in 1986; and

**WHEREAS**, the Improvements, and particularly the existing detached garage, are located approximately 14.37 feet from the north side lot line of the Property;

**WHEREAS**, under Section 5-3-12 of the Long Grove Zoning Code ("**Zoning Code**"), Property is subject to a 40-foot side yard setback requirement, and the Improvements are therefore a legal nonconforming encroachment into the Property's required side (north) yard; and

**WHEREAS**, the Owner now desires to modify the Improvements by demolishing the existing detached garage and replacing it with an addition to the existing single-family residence that would expand the residence and add an attached garage (the "**Addition**"); and

**WHEREAS**, the Addition is proposed to reduce the setback to the north side lot line of the Property from 14.37 feet to 14.00 feet, as depicted on the site plan attached hereto as Exhibit B ("**Site Plan**"); and

**WHEREAS**, the Owner has submitted an application requesting a variation from Section 5-3-12 of the Zoning Code to reduce the required side (north) yard setback from 40 feet to 14.00 feet in order to permit the construction of the Addition as depicted on the Site Plan (the "**Requested Variation**"); and

**WHEREAS**, Section 5-11-15(E)(1)(a) of the Zoning Code authorizes the Village Board to grant a variation to reduce the size of any required yard; and

**WHEREAS**, pursuant to notice duly published in the September 18, 2020 edition of the Daily Herald, the Plan Commission and Zoning Board of Appeals ("**PCZBA**") of the Village of Long Grove conducted a public hearing on October 6, 2020 regarding the Requested Variation; and

**WHEREAS**, the Zoning Board of Appeals, having fully heard and considered the testimony by all those attending the public hearing who wished to testify, made the following findings:

1. Since its annexation into the Village, the Property has been located within the R-2 Single Family Residence District under the Zoning Code. The R-2 District establishes a minimum lot size of two acres, but the Property was originally platted and developed with approximately one acre;
2. Owner proposes to demolish the existing detached garage and construct the Addition in order to expand the existing residence and add an attached garage, which Addition would be located within the required 40-foot (north) side yard setback, but not closer than approximately 14.00 feet from the north side lot line of the Property;
3. The evidence presented indicates that requiring the Addition to be constructed in compliance with the Zoning Code will create a hardship due to the nonconforming lot size of the Property and its impact on existing Improvements, including their location and existing legal

nonconforming encroachment into the required front and side yards;

4. The proposed location for the Addition is the most aesthetically and architecturally logical location on the Property;
5. The evidence presented indicates that the construction of the Addition in the proposed location on the Property is consistent with the character of the surrounding neighborhood and will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood, and will not result in other detrimental effects to the area of the Property;
6. The evidence presented indicates that the hardship and practical difficulties relating to Owner's request for a variation are based on the existing conditions of the Property that are unique in light of the existing conditions, development on, and environs of the Property, and are not motivated by a desire to make more money out of the Property;
7. The evidence presented indicates that the construction of the Addition, if undertaken in conformity with the recommended conditions, will promote the public interest, will not alter the essential character of the Property and its environs, and will otherwise satisfy all of the requirements for granting a variation under Section 5-11-15 of the Long Grove Zoning Code;

and recommended that the Village Board of Trustees grant the Requested Variation, subject to certain conditions and limitations; and

**WHEREAS**, the President and Board of Trustees of the Village (the "**Village Board**"), having considered Owner's application for the Requested Variation, the testimony and evidence presented at the public hearing, and the findings and recommendations of the PCZBA, have determined that it is in the best interests of the Village and its residents to grant Owner the Requested Variation, subject to the terms and conditions of this Ordinance as hereinafter set forth;

**NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LONG GROVE, COUNTY OF LAKE, STATE OF ILLINOIS,**  
as follows:

**SECTION ONE: Recitals.** The foregoing recitals are hereby incorporated into and made a part of this Ordinance as the findings of the Village Board as if fully set forth.

**SECTION TWO: Approval of Variation.** Pursuant to Section 5-11-15 of the Zoning Code, and subject to the limitations therein and the conditions set forth in Section Three of this Ordinance, the Village Board does hereby grant to the Owner a variation from Section 5-3-12 of the Zoning Code to reduce the required north side yard setback for the Property from 40 feet to 14.00 feet in order to permit the construction of the Addition as depicted on the Site Plan.

**SECTION THREE: Conditions on Approval.** The relief granted pursuant to Section Two of this Ordinance shall be, and is hereby, conditioned upon and limited by the following conditions, the violation of any of which shall, in the discretion of the Village Board, render void the approvals granted by this Ordinance:

- A. **No Authorization of Work.** This Ordinance does not authorize commencement of any work on the Property. Except as otherwise specifically provided in writing in advance by the Village, no work of any kind shall be commenced on the Property pursuant to the approvals granted in this Ordinance except only after all permits, approvals, and other authorizations for such work have been properly applied for, paid for, and granted in accordance with applicable law.
- B. **Compliance with Laws.** The Zoning Code, the Subdivision Code, the Building Code, and all other applicable ordinances and regulations of the Village shall continue to apply to the Property, and the development and use of the Property shall be in compliance with all laws and regulations of all other federal, state, and local governments and agencies having jurisdiction, including without limitation satisfaction of all requirements of the lake County watershed Development Ordinance and drainage standards to ensure that stormwater is not redirected to neighboring properties as a result of the Addition.
- C. **Site Plan Compliance.** The Addition must be constructed on the Property in substantial conformity with the Site Plan, subject to such minor modifications as may be approved by the Village Manager in consultation with the Village Engineer to address field conditions,

regulatory compliance, or compliance with the terms and conditions of this Ordinance. In addition, the frame shed to the rear of the existing residence on the Property shall be demolished prior to the issuance of a certificate of zoning compliance or certificate of occupancy relating to the Addition.

D. Architectural Features. The Owners shall investigate alternative architectural designs for the garage door on the Addition in order to achieve greater compatibility with the design of the front door of the residence. The Village Planner shall have the authority to approve an alternative garage door for the Addition or to refer the garage door to the Architectural Commission for review and approval.

E. Fees and Costs. The Owner shall be responsible for paying all applicable fees relating to the granting of the approvals set forth herein in accordance with the Zoning Code. In addition, the Owner shall reimburse the Village for all of its costs (including without limitation engineering, planning, and legal expenses) incurred in connection with the review, consideration, approval, implementation, or successful enforcement of this Ordinance. Any amount not paid within 30 days after delivery of a demand in writing for such payment shall, along with interest and the costs of collection, become a lien upon the Property, and the Village shall have the right to foreclose such lien in the name of the Village as in the case of foreclosure of liens against real estate.

**SECTION FOUR: Effective Date.** This Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form in the manner provided by law; provided, however, that this Ordinance shall, in the discretion of the Village Board, be of no force or effect if Owner has not (i) executed and (ii) thereafter filed with the Village Clerk within 30 days following the passage of this Ordinance, the unconditional agreement and consent, in the form attached hereto as Exhibit C and by this reference made a part hereof, to accept and abide by each and all of the terms, conditions, and limitations set forth herein. The Village Clerk is hereby directed to record this Ordinance and such agreement and consent with the Recorder of Deeds of Lake County.

PASSED THIS \_\_\_\_\_ DAY OF OCTOBER, 2020.

AYES:

NAYS:

ABSENT:

ABSTAIN:

APPROVED THIS \_\_\_\_\_ DAY OF OCTOBER, 2020.

\_\_\_\_\_  
Village President

ATTEST:

\_\_\_\_\_  
Village Clerk

DRAFT

**EXHIBIT A**

**Plat of Survey and Legal Description**

DRAFT



# Plat of Survey

## O'BRIEN LAND SURVEYING, INC.

RESIDENTIAL AND COMMERCIAL  
 24836 W NIPPERSINK ROAD  
 ROUND LAKE, ILLINOIS 60073  
 847-740-1200 847-566-8088 FAX 847-740-1279

13-060067  
 CAROL HANNIGAN, ATTY.

JUNE 18  
 HARRIS ESTATE



LOT 14 IN FRED AND RUSSELL TOWNER'S SUBDIVISION OF ALL THAT PART OF THE NORTHWEST QUARTER OF SECTION 6, TOWNSHIP 43 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN LYING SOUTH OF THE CENTER LINE OF ROUTE 83 (EXCEPT THE WEST 430.98 FEET THEREOF) (ALSO EXCEPT ALL THAT PART OF THE EAST 210.0 FEET OF SAID NORTH WEST QUARTER LYING NORTH OF THE SOUTH 716.0 FEET THEREOF), ACCORDING TO PLAT THEREOF RECORDED MAY 21, 1951 AS DOCUMENT 727954, IN BOOK 1045 OF RECORDS, PAGE 269, IN LAKE COUNTY, ILLINOIS.

COMMONLY KNOWN AS 7031 NORTH WILLOW SPRING ROAD, LONG GROVE, ILLINOIS.

PART OF LAKE COUNTY, SOUTH-BRANCH-COURTHOUSE SUBDIVISION

REC & MEAS = 130.00'

15 ±

NOT INCLUDED

FOUND IRON ROD IN TREE  
 TOP OF BENT IRON PIPE IS 0.48' SOUTH

LOT 14

REC & MEAS = 335.10'

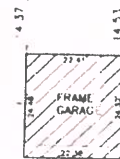
5.82



FRAME SHED

NO 84

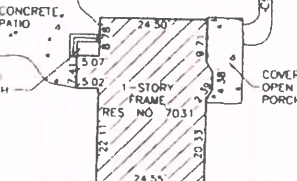
4.57



FRAME GARAGE

CONCRETE PATIO

WOOD PORCH



1-STORY FRAME

RES NO 7031

24.50'

24.55'

20.33'

4.38'

4.38'

4.38'

4.38'

4.38'

4.38'

4.38'

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4.38'

4.38'

4.38'

4.38'

4.38'

4.38'

ASPHALT DRIVEWAY

75.90

76.00

MEAS = 90° 3' 15"

REC & MEAS = 130.00'

30.0 BUILDING LINE

ROAD

FOUND 3/4" IRON PIPE

ASPHALT PAVEMENT

WILLOW SPRING

NORTH

FOUND SAWED OFF 3" SQUARE POST

60.00' ROW

LOT 15

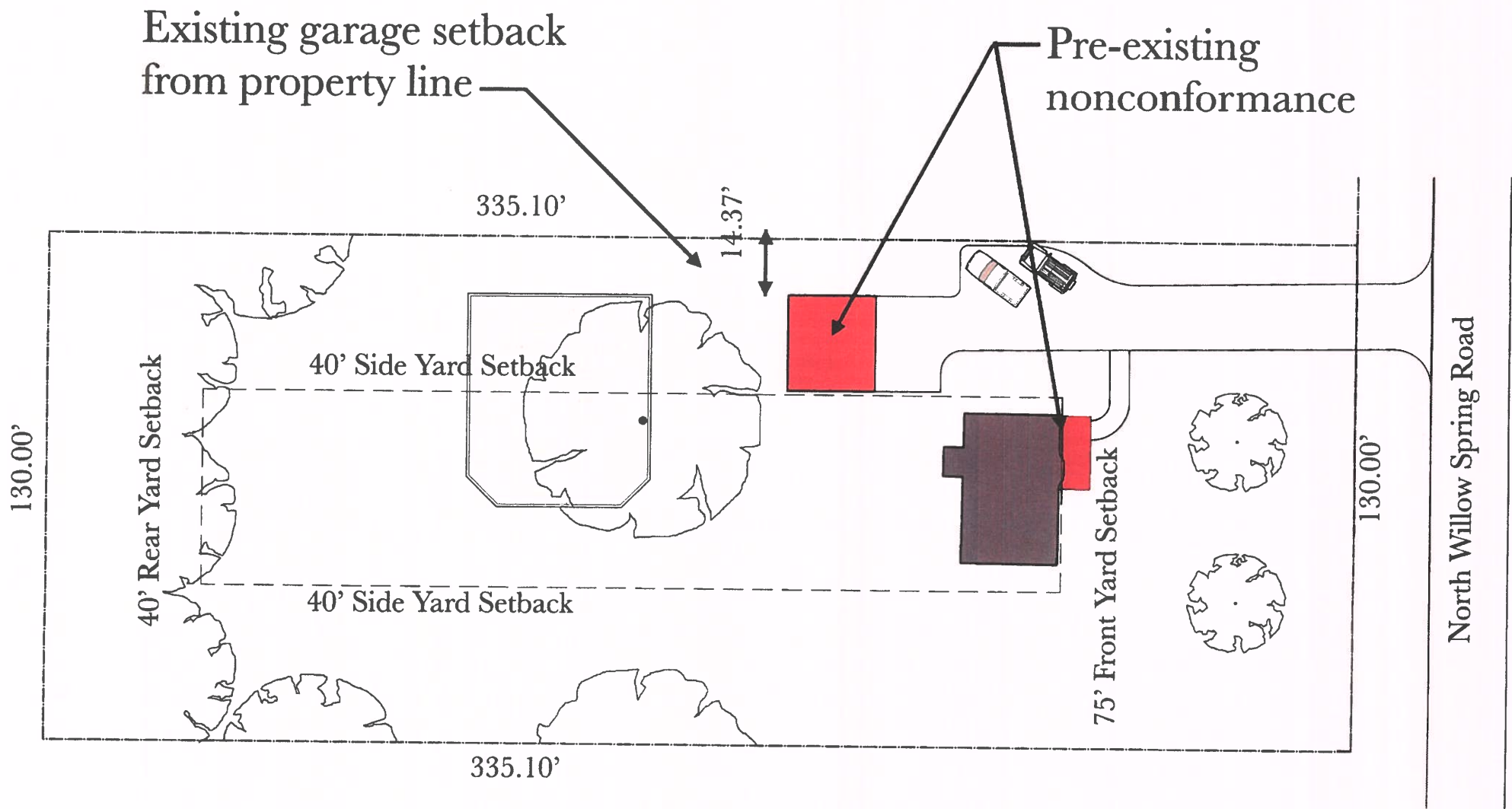
REC & MEAS = 335.10'

FOUND 1/2" IRON ROD AT CORNER

**EXHIBIT B**

**Site Plan**

DRAFT



Site Plan (Existing)



**EXHIBIT C**

**Unconditional Agreement and Consent**

Pursuant to Section Four of Long Grove Ordinance No. 2020-O-\_\_\_\_, and to induce the Village of Long Grove to grant the approvals provided for in such Ordinance, the undersigneds acknowledge for themselves and their successors and assigns in title to the Property that they:

1. have read and understand all of the terms and provisions of Ordinance No. 2020-O-\_\_\_\_;
2. hereby unconditionally agree to accept, consent to, and abide by all of the terms, conditions, restrictions, and provisions of this Ordinance, the Long Grove Zoning Code, and all other applicable codes, ordinances, rules, and regulations;
3. acknowledge and agree that the Village is not and shall not be, in any way, liable for any damages or injuries that may be sustained as a result of the Village's issuance of any permits for the use of the Property, and that the Village's issuance of any permit does not, and shall not, in any way, be deemed to insure the Owner against damage or injury of any kind and at any time;
4. acknowledge that the public notices and hearings have been properly given and held with respect to the adoption of the Ordinance;
5. agree to and do hereby hold harmless, defend, and indemnify the Village, the Village's corporate authorities, and all Village elected and appointed officials, officers, employees, agents, representatives, and attorneys, from any and all claims that may, at any time, be asserted against any of these parties with respect to the Property and the Village's adoption of the Ordinance or granting the approvals to the Owner pursuant to the Ordinance; and
6. represent and acknowledge that the persons signing this Unconditional Agreement and Consent are duly authorized to do so on behalf of the Owner(s) of the Property.

**BRIAN PRANER**

\_\_\_\_\_

**MICHELLE PRANER**

\_\_\_\_\_

ATTEST:

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