

VILLAGE OF LONG GROVE

ORDINANCE NO. 2021-O-___

**AN ORDINANCE GRANTING A SIDE YARD SETBACK VARIATION FOR
CONSTRUCTION OF AN ACCESSORY GARAGE AND BREEZEWAY
(7033 N. Willow Springs Rd.)**

Adopted by the
President and Board of Trustees
of
the Village of Long Grove
this ____ day of _____, 2021

Published in pamphlet form by direction
and authority of the Village of Long Grove,
Lake County, Illinois
this _____ day of _____, 2021

VILLAGE OF LONG GROVE

ORDINANCE NO. 2021-O-____

**AN ORDINANCE GRANTING A SIDE YARD SETBACK VARIATION FOR
CONSTRUCTION OF AN ACCESSORY GARAGE AND BREEZEWAY
(7033 N. Willow Springs Rd.)**

WHEREAS, Arthur and Karen Ott (collectively, “**Owner**”) are the owners of that certain real property commonly known as 7033 North Willow Springs Road, Long Grove, Illinois (PIN No. 15-06-101-014) 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, detached garage, and other accessory improvements (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 5.10 feet from the north side lot line of the Property;

WHEREAS, under Section 5-3-12 of the Long Grove Zoning Code (“**Zoning Code**”), the 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 a new garage that is proposed to be attached to the single-family residence by an approximately 37-foot long and 6-foot wide breezeway (collectively, the “**Addition**”); and

WHEREAS, the Addition is proposed to be set back a minimum of 5.50 feet from the north side lot line of the Property, 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 5.50 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 August 23, 2021 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 September 7, 2021 regarding the Requested Variation; and

WHEREAS, the PCZBA, 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 in 1986, 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 and requires certain minimum setbacks, including 40-foot side yard setbacks.
2. The Property was originally platted and developed in or around 1952 as an approximately one-acre (+/- 43,566 sq. ft.) residential lot under County jurisdiction. An existing detached accessory garage on the Property is set back approximately 5.10 feet from the Property’s north side lot line.
2. Owner proposes to demolish the existing detached garage and construct the Addition in order to allow the Owner to park a larger, handicap-accessible vehicle inside the garage and to enhance accessibility between the home and the garage via a covered breezeway. The Addition would be located within the required 40-foot (north) side

yard setback, but not closer than approximately 5.50 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 the configuration of the existing Improvements, including their location and existing legal nonconforming encroachment into the required 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, which are unique in light of the existing 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.

WHEREAS, following the public hearing, the PCZBA recommended that the Village Board of Trustees grant the Requested Variation based on the foregoing findings and subject to certain conditions and limitations as set forth herein; 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 5.50 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 all applicable drainage standards.
- 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.

- D. 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 executed, and thereafter filed with the Village Clerk within 30 days following the passage of this Ordinance, the Owner's 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 SEPTEMBER, 2021.

AYES:

NAYS:

ABSENT:

ABSTAIN:

APPROVED THIS _____ DAY OF SEPTEMBER, 2021.

Village President

ATTEST:

Village Clerk

EXHIBIT A

Plat of Survey and Legal Description

PLAT OF SURVEY

OF

LOT 13 IN FRED AND RUSSELL TOWNER'S SUBDIVISION OF PART OF THE NORTHWEST QUARTER OF SECTION 6, TOWNSHIP 43 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MAY 21, 1951 AS DOCUMENT NO. 727954, IN BOOK 1045 OF RECORDS, PAGE 269, IN LAKE COUNTY, ILLINOIS.

**VILLAGE OF LONG GROVE
ZONING BOARD OF APPEALS
7033 WILLOW SPRINGS ROAD
ARTHUR & KAREN OTT**

1. General Standards. No variation shall be recommended or granted pursuant to this section unless the owner shall establish that carrying out the strict letter of the provisions of this title would create a particular hardship or a practical difficulty. Such a showing shall require proof that the variation being sought satisfies each of the standards set forth in this subsection (F):

(a) That the lot in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations governing the district in which it is located.

The proposed garage project seeks to demolish an old garage (along with an existing 100 SF shed) with cracked slab and inefficient layout – an internal room – and replace it with a smaller garage that will allow the owner to park his handicap accessible RV in the garage. Since the requirement for the R-2 district is for a 40-foot sideyard and both the existing garage and the SFR are well within that setback, requiring that the replacement updated structure adhere to that would mean locating the garage in the middle of the lot's back yard which would detrimentally impact the potential for a reasonable return. Because the 40-foot setback would necessitate relocating the garage some 30-40 feet back from where it currently stands, this would essentially dictate that the garage occupies the middle of the lot's back yard which would hamper the owner's use of the space, while also adding a significant amount of additional impervious surface (in the form of an extended driveway) to the lot. Both these factors would impact the 'open' nature of this lot which is a feature of this neighborhood even though the lot size is less than required.

(b) That the plight of the owner is due to unique circumstances; or

Since this subdivision was established under Lake County zoning requirements before being annexed into the Village, the setbacks under which the lots were set up and the original buildings were constructed were quite different. As such, the garage and house do not reflect the R-2 requirements for setbacks and enforcement of these requirements creates an undue burden upon the owner when the existing non-conforming conditions were not of their doing.

(c) That the variation, if granted, will not alter the essential character of the locality.

Since the new garage will have a smaller footprint than the garage and shed that it replaces (by approximately 125 SF) and will have a slightly greater setback from the north property line than the current non-conforming structure, it will not alter the essential residential nature of the neighborhood. The design for the garage reflects the necessity for storing the owner's elevated RV that has certain features that allows him to use the vehicle as a disabled person. As part of that design, the main overhead door needs to be 12' high which subsequently drives the overall height of the garage roof. The proposed modern design of the structure has also been

**VILLAGE OF LONG GROVE
ZONING BOARD OF APPEALS
7033 WILLOW SPRINGS ROAD
ARTHUR & KAREN OTT**

complimented by a covered breezeway that will allow Mr. Ott to safely traverse the distance from the back door of the house to the garage's service door during inclement weather in the safest manner possible.

2. Supplemental Standards. For the purpose of supplementing the above standards, the Board of Appeals shall also, in making this determination whether there are practical difficulties or particular hardships, take into consideration the extent to which the following facts favorable to the owner have been established by the evidence:

(a) That the particular physical surroundings, shape or topographical conditions of the specific lot involved would bring a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulation were to be carried out.

Since the strict enforcement of the R-2 district setback standards would force the relocation of the garage into the middle of the back yard which slopes to the west (thus limiting the usability of the rear yard), this creates a hardship for the owner in the use of their lot. Granting relief from the 40-foot sideyard requirement would allow for the smaller garage to be located in essentially the same location as the current structure while ensuring the existing lot layout is maintained.

(b) That the conditions upon which the petition for variation is based would not be applicable generally to other lots within the same zoning classification.

The requirements for the R-2 zoning district typically account for lots that are 2 acres or more. Since this lot was originally established using the Lake County zoning requirements, it does not satisfy the minimum standards for a Village of Long Gove lot. As such, applying the setback requirements normally applicable to other R-2 property in the village creates a hardship upon the owner.

(c) That the purpose of the variation is not based exclusively upon a desire to make more money out of the lot.

The goal for this project is to allow the owner's RV to be located inside the garage as opposed to leaving it out on the driveway, ensuring its protected from the elements and is not visible from the street. As such, this project seeks to provide a garage that will accommodate the owner's vehicles as opposed to a specific desire to increase the return on their property investment.

**VILLAGE OF LONG GROVE
ZONING BOARD OF APPEALS
7033 WILLOW SPRINGS ROAD
ARTHUR & KAREN OTT**

(d) That the alleged difficulty or hardship has not been created by any person presently having an interest in the lot.

The hardship associated with this request is related to annexation of the property by the Village from the County some decades ago. This process created differing zoning requirements than what the lot was originally conceived under which is now what is driving the necessity for the variation. The owners are new to the neighborhood (purchasing in June 2021) and so did not have any association with the creation of the current defined hardship.

(e) That the granting of the variation will not be detrimental to the public welfare or injurious to other lots or improvements in the neighborhood in which the lot is located; or

Since there is an existing large garage (and shed) in this location on the property currently, and there are detached garages spread throughout the neighborhood, the approval of this request will not prove detrimental to the public welfare and the neighborhood at large.

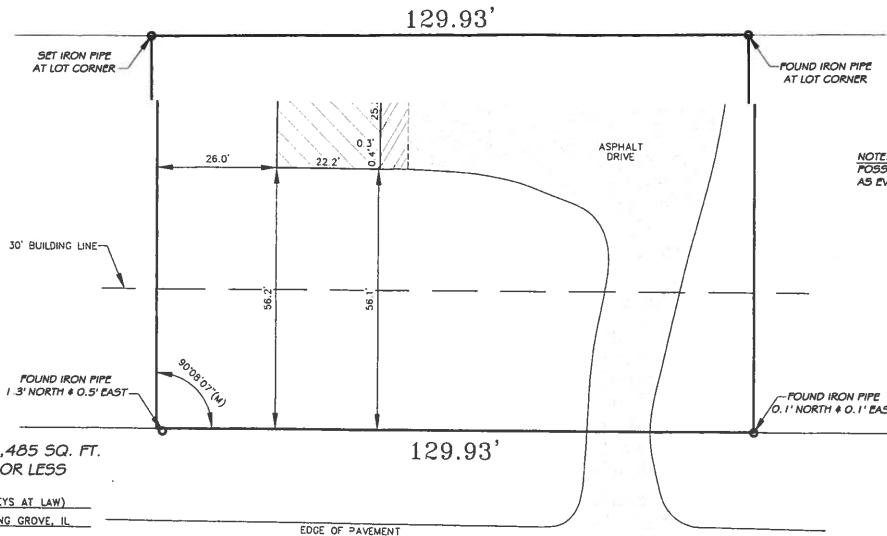
(f) That the proposed variation will not impair an adequate supply of light and air to adjacent lots or substantially increase the danger of fire or otherwise endanger the public safety, or substantially diminish or impair property values within the neighborhood.

The replacement structure will be located in essentially the same position as the existing garage which is further to the west (i.e. into the rear yard) than the detached garage located to the north. It will not further impair the provision of light and air onto the neighboring lot, nor will it endanger public safety in the area or diminish property values.

PLAT OF SURVEY

OF

LOT 13 IN FRED AND RUSSELL TOWNER'S SUBDIVISION OF PART OF THE NORTHWEST QUARTER OF SECTION 6, TOWNSHIP 43 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MAY 21, 1951 AS DOCUMENT NO. 727954, IN BOOK 1045 OF RECORDS, PAGE 269, IN LAKE COUNTY, ILLINOIS.



NOTE:
POSSIBLE EASEMENT ALONG THE EAST LINE
AS EVIDENT BY EXISTING POWER LINES & POLES.

LEGEND
(R/M) - RECORD / MEASURED
L - ARC LENGTH
R - RADIUS
CH - CHORD

AREA = 43,485 SQ. FT.
MORE OR LESS



PREPARED FOR: ROSENBERG & PARKER (ATTORNEYS AT LAW)
JOB ADDRESS: 7033 WILLOW SPRING ROAD, LONG GROVE, IL
SELLER/BUYER: PRUDDEN / OTT
JOB NO.: 21-03-0269

NEKOLA SURVEY, INC.
PROFESSIONAL LAND SURVEYING SERVICES
WWW.NEKOLASURVEY.COM
400 N. SCHMIDT RD., STE. 203
BOLINGBROOK, ILLINOIS 60440
(630) 226-1530 PHONE (630) 226-1430 FAX

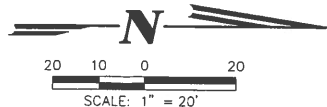
FIELD WORK COMPLETED ON THE 22ND DAY OF APRIL, 2021.
(STATE OF ILLINOIS)
(COUNTY OF WILL) 55

NEKOLA SURVEY, INC. DOES HEREBY CERTIFY THAT IT HAS SURVEYED THE TRACT OF LAND ABOVE DESCRIBED, AND THAT THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY.

DATED THIS 23RD DAY OF APRIL, 2021

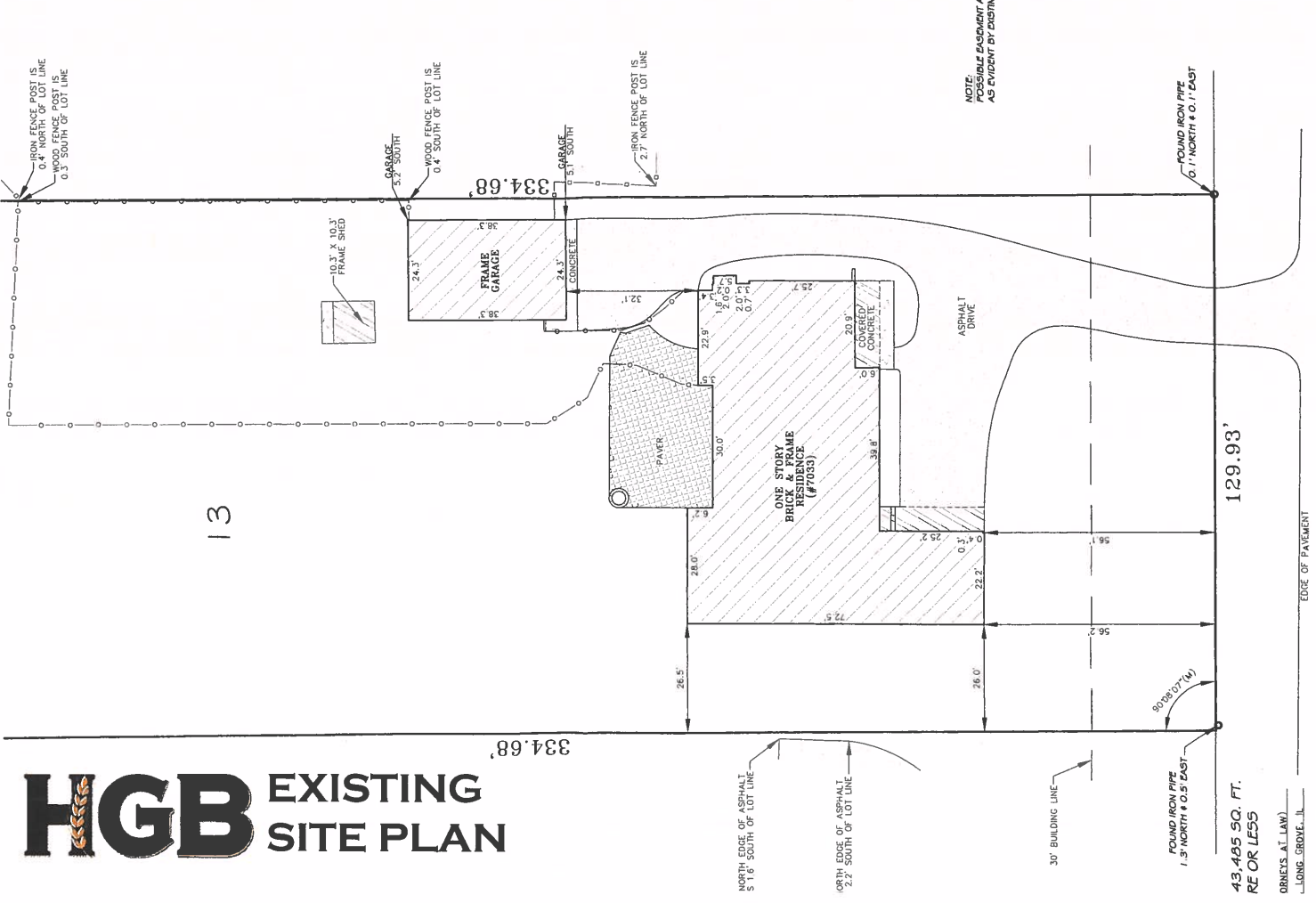
Wayne W. Nekola
ILLS No. 2923

LICENSE RENEWAL DATE: 30 NOVEMBER 2022.



]- "X" IN BOX INDICATES THE HEREON DRAWN PLAT WAS ORDERED AS A NON MONUMENTED SURVEY.
3 IMPROVEMENTS SHOULD BE MADE ON THE BASIS OF THIS PLAT ALONE. FIELD MONUMENTATION OF CRITICAL POINTS SHOULD BE ESTABLISHED PRIOR TO COMMENCEMENT OF ANY AND ALL CONSTRUCTION. FOR BUILDING LINES, EASEMENTS AND OTHER RESTRICTIONS NOT SHOWN HEREON REFER TO YOUR DEED, ABSTRACT, TITLE POLICY, CONTRACTS AND LOCAL BUILDING AND ZONING ORDINANCES.

HGB EXISTING SITE PLAN



13

334.68'

334.68'

43,485 SQ. FT.
RE OR LESS

129.93'

ORNEY'S A.T. LAW
LONG GROVE, IL

NOTE:
POSSIBLE EASEMENT A
AS EVIDENT BY DESIGN

WILLOW SPRING ROAD

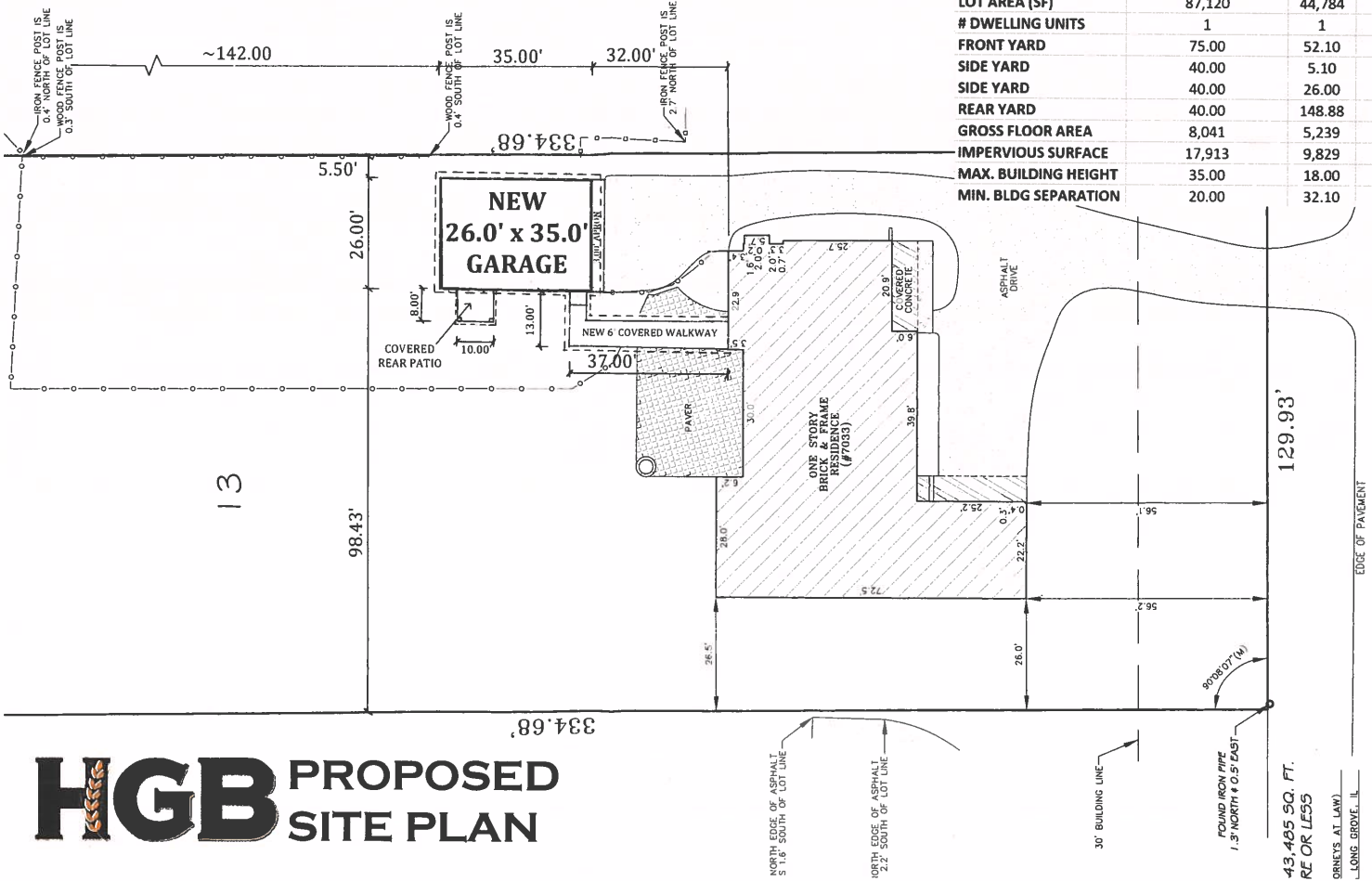
VEY, INC.

FIELD WORK COMPLETED ON
(STATE OF ILLINOIS)

EXHIBIT B

Site Plan

HGB PROPOSED SITE PLAN



	REQUIRED/PERMITTED	EXISTING	PROPOSED
LOT AREA (ACRES)	2	1.03	1.03
LOT AREA (SF)	87,120	44,784	44,784
# DWELLING UNITS	1	1	1
FRONT YARD	75.00	52.10	157.50
SIDE YARD	40.00	5.10	5.50
SIDE YARD	40.00	26.00	98.43
REAR YARD	40.00	148.88	151.88
GROSS FLOOR AREA	8,041	5,239	5,113
IMPERVIOUS SURFACE	17,913	9,829	9,917
MAX. BUILDING HEIGHT	35.00	18.00	18.25
MIN. BLDG SEPARATION	20.00	32.10	0.00

43,485 SQ. FT.
RE OR LESS

ORNEY'S AT LAW
LONG GROVE, IL

VEY, INC.

WILLOW SPRING ROAD

EDGE OF PAVEMENT

129.93'

90° ± 0.5' (W)

30' BUILDING LINE

ASPHALT DRIVE

CONCRETE

ONE STORY BRICK & FRAME RESIDENCE (#7033)

PAVER

NEW 6' COVERED WALKWAY

COVERED REAR PATIO

NEW 26.0' x 35.0' GARAGE

13

98.43'

26.00'

~142.00

334.68'

334.68'

NORTH EDGE OF ASPHALT 3.18' SOUTH OF LOT LINE

NORTH EDGE OF ASPHALT 2.2' SOUTH OF LOT LINE

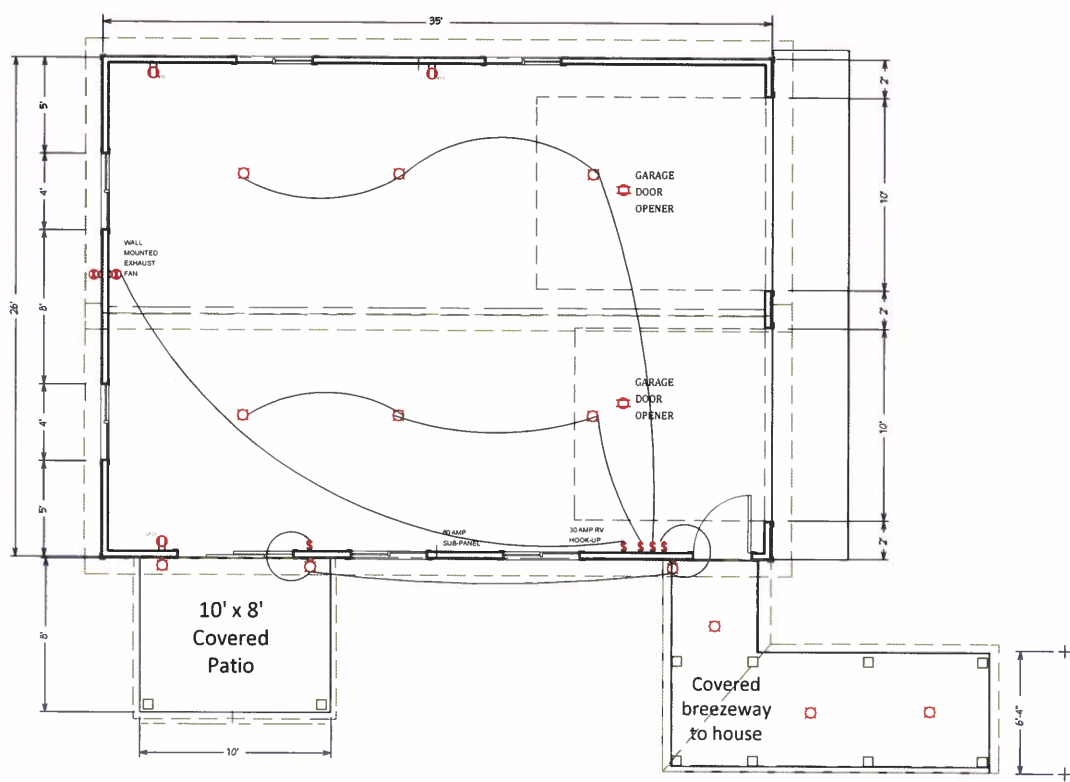
WOOD FENCE POST IS 0.4' SOUTH OF LOT LINE

IRON FENCE POST IS 2.7' NORTH OF LOT LINE

WOOD FENCE POST IS 0.4' NORTH OF LOT LINE
IRON FENCE POST IS 0.3' SOUTH OF LOT LINE



FLOOR PLAN



NOTE: DRAWINGS ARE NOT TO SCALE

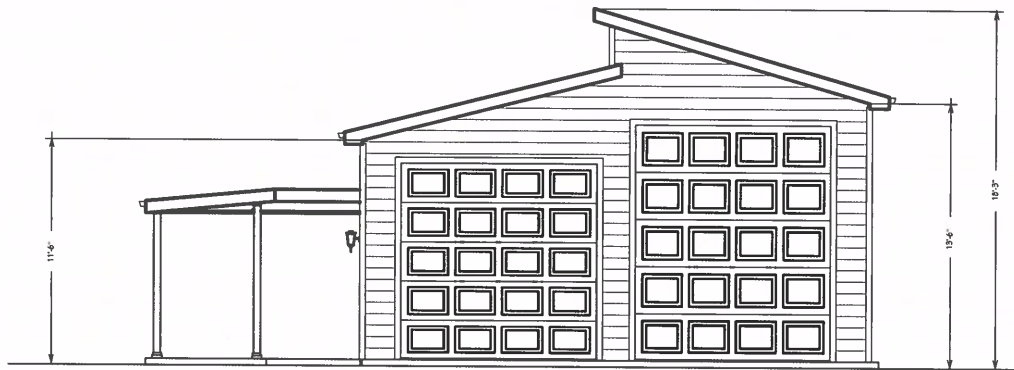


DETACHED GARAGE - GABLE ROOF
7033 WILLOW SPRINGS ROAD, VILLAGE of LONG GROVE - A. OTT

THESE PLANS REMAIN THE PROPERTY OF MACH 1, INC. AND THEIR REPRODUCTION IS EXPRESSLY FORBIDDEN.

CONTRACTOR:
HEARTLAND GARAGE BUILDERS
 602 ACADEMY DRIVE
 NORTHBROOK, IL 60062
 PHONE: (224) 619-4539
 EMAIL: INFO@HLGBS.COM

SHEET NAME:
FLOOR PLAN & BUILDING SECTION
 SHEET NUMBER:
1 OF 2



East Elevation



West Elevation

NOTE: DRAWINGS ARE NOT TO SCALE

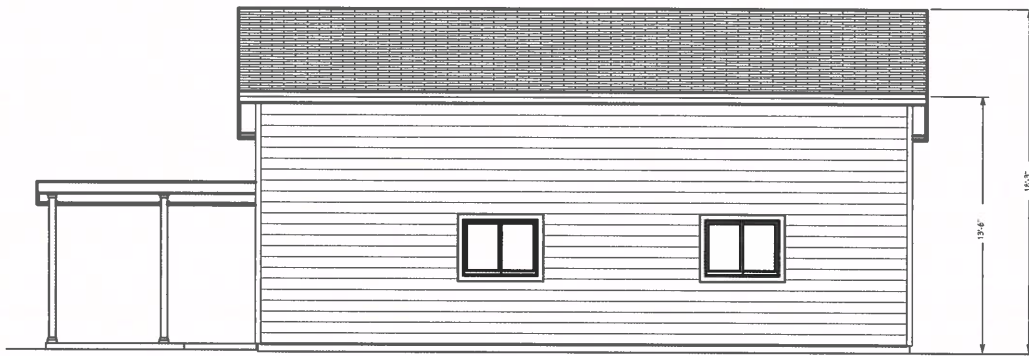


DETACHED GARAGE - GABLE ROOF
7033 WILLOW SPRINGS ROAD, VILLAGE of LONG GROVE - A. OTT

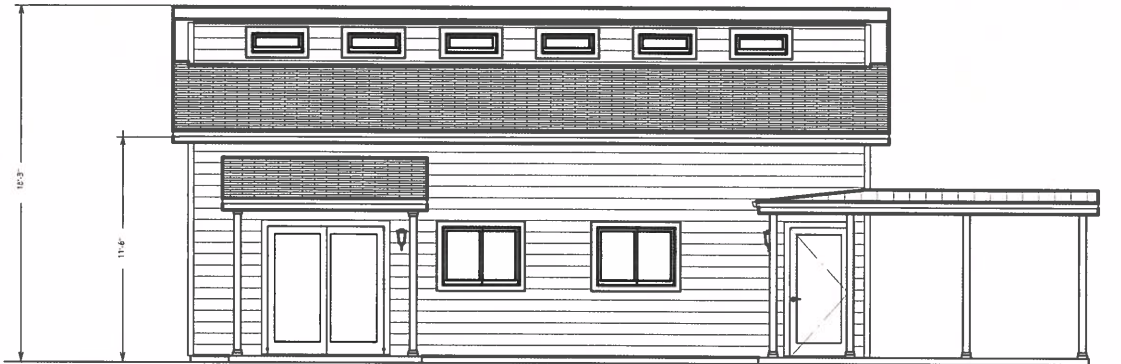
THESE PLANS REMAIN THE PROPERTY OF MACH 1, INC. AND THEIR REPRODUCTION IS EXPRESSLY FORBIDDEN.

CONTRACTOR
HEARTLAND GARAGE BUILDERS
 602 ACADEMY DRIVE
 NORTHBROOK, IL 60062
 PHONE: (224) 619-4539
 EMAIL: INFO@HLGBS.COM

SHEET NAME
ELEVATIONS
SHEET NUMBER
2 OF 2



North Elevation



South Elevation

NOTE: DRAWINGS ARE NOT TO SCALE



DETACHED GARAGE - GABLE ROOF
7033 WILLOW SPRINGS ROAD, VILLAGE of LONG GROVE - A. OTT

CONTRACTOR:
HEARTLAND GARAGE BUILDERS
 602 ACADEMY DRIVE
 NORTHBROOK, IL 60062
 PHONE: (224) 619-4539
 EMAIL: INFO@HLGBS.COM

SHEET NAME:
ELEVATIONS
SHEET NUMBER
2 OF 2

THESE PLANS REMAIN THE PROPERTY OF MACH 1, INC. AND THEIR REPRODUCTION IS EXPRESSLY FORBIDDEN.

EXHIBIT C

Unconditional Agreement and Consent

Pursuant to Section Four of Long Grove Ordinance No. 2021-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. 2021-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.

ARTHUR OTT

KAREN OTT

ATTEST:
