

VILLAGE OF LONG GROVE

RESOLUTION NO. 2023-R-____

**A RESOLUTION DENYING AN APPLICATION
FOR A SIDE YARD SETBACK VARIATION
FOR 3305 OLD McHENRY ROAD**

WHEREAS, the Village of Long Grove (“*Village*”) received an application (“*Application*”) from resident Kevin Rose (“*Applicant*”) for a variation from Section 5-3-12 of the Long Grove Zoning Code (“*Zoning Code*”) to allow a reduction of the side yard setback requirement from 50 feet to 5 feet (“*Original Variation Request*”) for the purpose of constructing a detached garage on the property commonly known as 3305 Old McHenry Road (“*Property*”); and

WHEREAS, in light of concerns from neighboring property owners, the Applicant later revised the Original Variation Request to request a 15-foot setback (“*Revised Variation Request*”)(collectively, the Original Variation Request and the Revised Variation Request shall be collectively referred to as the “*Requested Variation*”); and

WHEREAS, Section 5-11-15(F) of the Zoning Code provides that variations shall not be granted unless the owner establishes that carrying out the strict letter of the provisions of the Zoning Code would create a practical difficulty or particular hardship; and

WHEREAS, in accordance with the Zoning Code and pursuant to proper notice, the Village’s Plan Commission/Zoning Board of Appeals (the “*PCZBA*”) conducted a public hearing commencing on May 2, 2023 and concluded on June 6, 2023 regarding the Application for the Requested Variation; and

WHEREAS, at the conclusion of the public hearing on June 6, 2023, the PCZBA recommended that the Application for the Revised Variation Request be denied by a 2-1 vote (with one PCZBA member abstaining), finding that the Applicant lacked a particular hardship as required by the Zoning Code; and

WHEREAS, the Board of Trustees of the Village (the “**Village Board**”) has reviewed the Application, the testimony and written comments submitted during the public hearing, the recommendation of the PCZBA, and the zoning limitations on the Property as set forth in the Zoning Code and based on such evidence has determined that the Application for the Requested Variation on the Property is not in conformity with the Zoning Code and should be denied; and

WHEREAS, the Village Board desires to formally set forth its determination and adopt certain findings of fact in support thereof, as set forth in this Resolution;

NOW, THEREFORE, BE IT RESOLVED 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 Resolution as if fully set forth herein.

SECTION TWO: **Findings of Fact.** The Village Board hereby makes the following findings of fact:

1. Section 5-3-12 of the Zoning Code requires at least 50 feet for side yard setbacks.
2. On or about March 16, 2023, the Applicant filed the Application and supporting written materials with the Village (including design documents of the proposed garage, a survey of the Property, and a description and photographs of the proposed area for the detached garage).
3. The public hearing on the Application commenced before the PCZBA on May 2, 2023 and was thereafter continued to June 6, 2023 due to a request from the PCZBA for the Applicant to work with his neighbors to find a location for the proposed garage that was amenable to all parties.
4. During the May 2, 2023, public hearing, the Applicant presented his Application and provided oral testimony in support of the Application. The PCZBA also heard testimony from adjacent property owners who opposed the Original Variation Request. The PCZBA moved to continue the hearing until June 6, 2023, in order to allow the Applicant to confer with the adjacent neighbors regarding a mutually acceptable location for the proposed detached garage.
5. On May 23, 2023, the Applicant informed Village staff that he was not able to reach an accord with the adjacent property owners who opposed the Original Variation Request.

6. The Applicant thereafter revised his Application and submitted his request for the Revised Variation Request, seeking a 15-foot setback variation for the proposed detached garage.
7. On June 6, 2023, the PCZBA continued the public hearing on the Applicant's Revised Variation Request, where it also considered letters from the Applicant's neighbors in support of and opposed to the Revised Variation Request. The PCZBA concluded the June 6, 2023, hearing on the Application for the Requested Variation by recommending denial of the Revised Variation Request on motion that passed by a 2-1 margin, with one member abstaining, finding that (i) the Applicant lacked a particular hardship and (ii) the proposed detached garage could be constructed elsewhere on the Property without the need for a variation.
8. On June 13, 2023, the Village Board received a report from the Village Planner on the recommendation of the PCZBA regarding the Application for the Requested Variation.
9. Based upon review of the Application and related materials, testimony and written comments and materials submitted by neighboring property owners, the report and recommendation of the PCZBA, and other relevant information, the Village Board hereby finds and determines that the Applicant has not satisfactorily established compliance with the standards for issuance of a side yard setback variation pursuant to Section 5-11-15(F) of the Zoning Code, including for the following reasons:
 - a. As the PCZBA found, (i) the Applicant lacked a particular hardship and (ii) the proposed detached garage could be constructed elsewhere on the Property without the need for a variation.
 - b. Applicant has not demonstrated that the Requested Variation is necessary to avoid a particular hardship or practical difficulty as required by Section 5-11-15(F) of the Village Code. Specifically, Applicant has not demonstrated that: (i) the Property cannot yield a reasonable return if permitted to be used only in compliance with the setback requirements under Section 5-3-12 of the Zoning Code; (ii) that the Applicant's plight is due to unique circumstances; or (iii) the Requested Variation, if granted, will not alter the essential character of the locality.
 - c. Additionally, the Application and related materials demonstrate that the proposed detached garage could be constructed elsewhere on the Property without the need for a variation and in a location that is less intrusive upon adjacent property owners.
10. Accordingly, the Village Board finds and determines that it would be in the best interests of the Village and its residents to deny the Requested Variation.

SECTION THREE: Denial of Application. Based upon the findings of fact in Section

Two, the Village hereby denies the Application for the Requested Variation.

SECTION FOUR: Effective Date. This Resolution shall be in full force and effect from and after its passage and approval in the manner provided by law.

PASSED this ____ day of June, 2023.

AYES:

NAYS:

ABSENT:

APPROVED this ____ day of June, 2023.

Village President

ATTEST:

Village Clerk