

Agenda Item # 48

Distribution
Dept. of Plng., Bldg & Dev. (4)

STATE OF ILLINOIS)
) SS
COUNTY OF LAKE)

No. 3642
Lake Villa Township

COUNTY BOARD, LAKE COUNTY, ILLINOIS

JUNE 12, 2007

MADAM CHAIRMAN AND MEMBERS OF THE COUNTY BOARD:

Your Planning, Building and Zoning Committee presents herewith a Resolution on Zoning Case No. 3642, which consists of the Petition of Vernon and Joanne Foerster relative to a request for rezoning from the Agricultural to the Residential – 1 zone. The Department of Planning, Building and Development recommends the petition be granted. On the motion "to grant" the prayer of the petitioner, the Zoning Board of Appeals vote is 6 "Ayes" and 0 "Nays." On the motion "to grant" the prayer of the petitioner, the Planning, Building and Zoning Committee vote is 6 "Ayes" and 0 "Nays".

- o An "Aye" vote on the motion shall operate in favor of the prayer of the petitioner.
- o A "Nay" vote on the motion shall operate against the prayer of the petitioner.
- o A 3/4 (18) affirmative vote is required to approve the rezoning if there is a legal objection on file.

Respectfully submitted,

Samuel D. Weeder ✓
CHAIRPERSON

Judy Martine ✓
VICE-CHAIRPERSON

Susan D. Greenheart ✓

Robert Saboyra ✓

[Signature] ✓

Stinson Moutsin X

RESOLUTION

WHEREAS, a public hearing has been held by the Lake County Zoning Board of Appeals pursuant to the Statutes of the State of Illinois, on the petition of Vernon and Joanne Foerster relative to a request for rezoning from the Agricultural to the Residential – 1 zone for the following real estate, to-wit:

PARCEL 1: THAT PART OF GOVERNMENT LOT 1 OF THE NORTHEAST QUARTER OF SECTION 6, TOWNSHIP 45 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING WEST OF THE CENTERLINE OF THE PUBLIC ROAD KNOWN AS COUNTY HIGHWAY NO. 49 OR FAIRFIELD ROAD (EXCEPT THE NORTH 600.00 FEET THEREOF AND ALSO EXCEPT THE SOUTH 300.00 FEET THEREOF) IN LAKE COUNTY, ILLINOIS, DESCRIBED AS FOLLOWS: BEGINNING AT THE INTERSECTION OF THE CENTERLINE OF COUNTY HIGHWAY 49 WITH THE NORTH LINE OF THE SOUTH 300.00 FEET OF SAID GOVERNMENT LOT 1; THENCE NORTH 89 DEGREES 55 MINUTES 47 SECONDS WEST 488.58 FEET ON SAID NORTH LINE OF THE SOUTH 300.00 FEET; THENCE NORTHERLY ON A CURVE CONCAVE TO THE EAST HAVING A RADIUS OF 60.00 FEET, CENTER OF RADIUS BEARS NORTH 0 DEGREES 04 MINUTES 13 SECONDS EAST, ARC LENGTH 187.49 FEET, CHORD BEARING NORTH 0 DEGREES 24 MINUTES 41 SECONDS WEST, CHORD LENGTH 120.00 FEET; THENCE NORTH 0 DEGREES 24 MINUTES 41 SECONDS WEST 302.88 FEET TO THE SOUTH LINE OF THE NORTH 600.00 FEET; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST ON THE SOUTH LINE OF THE NORTH 600.00 FEET 543.03 FEET, TO THE CENTERLINE OF COUNTY HIGHWAY NO. 49; BEING A POINT ON A CURVE CONCAVE TO THE EAST HAVING A RADIUS OF 22,794.83 FEET, CENTER OF CURVE BEARS SOUTH 82 DEGREES 32 MINUTES 47 SECONDS EAST; THENCE SOUTHERLY ON SAID CENTERLINE CURVE, ARC LENGTH 397.46 FEET, CHORD BEARING SOUTH 6 DEGREES 57 MINUTES 15 SECONDS WEST, CHORD LENGTH 397.46 FEET; THENCE SOUTH 6 DEGREES 29 MINUTES 19 SECONDS WEST ON SAID CENTERLINE 29.12 FEET TO THE POINT OF BEGINNING.

PIN: 06-06-200-016

PARCEL 2: THAT PART OF GOVERNMENT LOT 1 OF THE NORTHEAST QUARTER OF SECTION 6, TOWNSHIP NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING WEST OF THE CENTERLINE OF THE PUBLIC ROAD KNOWN AS COUNTY HIGHWAY NO. 49 OR FAIRFIELD ROAD (EXCEPT THE NORTH 600.00 FEET THEREOF AND ALSO EXCEPT THE SOUTH 300.00 FEET THEREOF) IN LAKE COUNTY, ILLINOIS, DESCRIBED AS FOLLOWS: COMMENCING AT THE INTERSECTION OF THE CENTERLINE OF COUNTY HIGHWAY 49 WITH THE NORTH LINE OF THE SOUTH 300.00 FEET OF SAID GOVERNMENT LOT 1; THENCE NORTH 89 DEGREES 55 MINUTES 47 SECONDS WEST 488.58 FEET ON SAID NORTH LINE OF THE SOUTH 300.00 FEET; TO THE POINT OF BEGINNING; THENCE NORTHERLY ON A CURVE CONCAVE TO THE EAST HAVING A RADIUS OF 60.00 FEET, CENTER OF RADIUS BEARS NORTH 0 DEGREES 04 MINUTES 13 SECONDS EAST, ARC LENGTH 187.49 FEET, CHORD BEARING NORTH 0 DEGREES 24 MINUTES 41 SECONDS WEST, CHORD LENGTH

120.00 FEET; THENCE NORTH, 0 DEGREES 24 MINUTES 41 SECONDS WEST 302.88 FEET TO THE SOUTH LINE OF THE NORTH 600.00 FEET; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS WEST ON THE SOUTH LINE OF THE NORTH 600.00 FEET 530.87 FEET, TO THE WEST LINE OF GOVERNMENT LOT 1 OF THE NORTHEAST QUARTER OF SECTION 6; THENCE SOUTH 0 DEGREES 24 MINUTES 41 SECONDS EAST ON SAID WEST LINE 422.22 FEET TO THE NORTH LINE OF THE SOUTH 300.00 FEET OF SAID GOVERNMENT LOT 1; THENCE SOUTH 89 DEGREES 55 MINUTES 47 SECONDS EAST ON THE NORTH LINE OF THE SOUTH 300 FEET, 530.88 FEET TO THE POINT OF BEGINNING.

PIN: 06-06-200-015

WHEREAS, your Department of Planning, Building and Development duly considered the aforesaid petition and recommends that it be granted; and

WHEREAS, your Zoning Board of Appeals, after reviewing the testimony presented at the public hearing on the aforesaid petition, has submitted its report thereon to the County Board and its report recommends by a vote of 6 – 0 that the petition be granted; and

WHEREAS, your Planning, Building and Zoning Committee duly considered the petition and reports aforescribed and recommends by a vote of 6 to 0 that the petition be granted. Motion made by Member Gravenhorst, with a second by Member Mountsier to grant the petition. Voting "Aye," were Members Gravenhorst, Leafblad, Martini, Mountsier, Newton and Sabonjian; voting "Nay," none.

NOW, THEREFORE, BE IT RESOLVED by the Lake County Board that the request of the Petitioners for the rezoning from the Agricultural to the Residential – 1 zone be granted; and

BE IT FURTHER RESOLVED, that the Secretary of said Zoning Board of Appeals be instructed to notify the petitioner as to the action taken by the Board.

STATE OF ILLINOIS)
) SS
COUNTY OF LAKE)

COUNTY BOARD, LAKE COUNTY, ILLINOIS

May 8, 2007

MADAM CHAIRMAN AND MEMBERS OF THE COUNTY BOARD:

Pursuant to State Statutes and following proper publication of public notice, a public hearing was conducted before the Lake County Zoning Board of Appeals on April 10, 2007 at 1:00 p.m. in the Lake Villa Township Hall, 37908 N. Fairfield Road, Lake Villa, Illinois, relative to the petition of Vernon and Joanne Foerster requesting rezoning from the Agricultural to the Residential – 1 zone for the following described real estate, to-wit:

PARCEL 1: THAT PART OF GOVERNMENT LOT 1 OF THE NORTHEAST QUARTER OF SECTION 6, TOWNSHIP 45 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING WEST OF THE CENTERLINE OF THE PUBLIC ROAD KNOWN AS COUNTY HIGHWAY NO. 49 OR FAIRFIELD ROAD (EXCEPT THE NORTH 600.00 FEET THEREOF AND ALSO EXCEPT THE SOUTH 300.00 FEET THEREOF) IN LAKE COUNTY, ILLINOIS, DESCRIBED AS FOLLOWS: BEGINNING AT THE INTERSECTION OF THE CENTERLINE OF COUNTY HIGHWAY 49 WITH THE NORTH LINE OF THE SOUTH 300.00 FEET OF SAID GOVERNMENT LOT 1; THENCE NORTH 89 DEGREES 55 MINUTES 47 SECONDS WEST 488.58 FEET ON SAID NORTH LINE OF THE SOUTH 300.00 FEET; THENCE NORTHERLY ON A CURVE CONCAVE TO THE EAST HAVING A RADIUS OF 60.00 FEET, CENTER OF RADIUS BEARS NORTH 0 DEGREES 04 MINUTES 13 SECONDS EAST, ARC LENGTH 187.49 FEET, CHORD BEARING NORTH 0 DEGREES 24 MINUTES 41 SECONDS WEST, CHORD LENGTH 120.00 FEET; THENCE NORTH 0 DEGREES 24 MINUTES 41 SECONDS WEST 302.88 FEET TO THE SOUTH LINE OF THE NORTH 600.00 FEET; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST ON THE SOUTH LINE OF THE NORTH 600.00 FEET 543.03 FEET, TO THE CENTERLINE OF COUNTY HIGHWAY NO. 49; BEING A POINT ON A CURVE CONCAVE TO THE EAST HAVING A RADIUS OF 22,794.83 FEET, CENTER OF CURVE BEARS SOUTH 82 DEGREES 32 MINUTES 47 SECONDS EAST; THENCE SOUTHERLY ON SAID CENTERLINE CURVE, ARC LENGTH 397.46 FEET, CHORD BEARING SOUTH 6 DEGREES 57 MINUTES 15 SECONDS WEST, CHORD LENGTH 397.46 FEET; THENCE SOUTH 6 DEGREES 29 MINUTES 19 SECONDS WEST ON SAID CENTERLINE 29.12 FEET TO THE POINT OF BEGINNING.

PIN: 06-06-200-016

PARCEL 2: THAT PART OF GOVERNMENT LOT 1 OF THE NORTHEAST QUARTER OF SECTION 6, TOWNSHIP NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING WEST OF THE CENTERLINE OF THE PUBLIC ROAD KNOWN AS COUNTY HIGHWAY NO. 49 OR FAIRFIELD ROAD (EXCEPT THE NORTH 600.00

FEET THEREOF AND ALSO EXCEPT THE SOUTH 300.00 FEET THEREOF) IN LAKE COUNTY, ILLINOIS, DESCRIBED AS FOLLOWS: COMMENCING AT THE INTERSECTION OF THE CENTERLINE OF COUNTY HIGHWAY 49 WITH THE NORTH LINE OF THE SOUTH 300.00 FEET OF SAID GOVERNMENT LOT 1; THENCE NORTH 89 DEGREES 55 MINUTES 47 SECONDS WEST 488.58 FEET ON SAID NORTH LINE OF THE SOUTH 300.00 FEET; TO THE POINT OF BEGINNING; THENCE NORTHERLY ON A CURVE CONCAVE TO THE EAST HAVING A RADIUS OF 60.00 FEET, CENTER OF RADIUS BEARS NORTH 0 DEGREES 04 MINUTES 13 SECONDS EAST, ARC LENGTH 187.49 FEET, CHORD BEARING NORTH 0 DEGREES 24 MINUTES 41 SECONDS WEST, CHORD LENGTH 120.00 FEET; THENCE NORTH, 0 DEGREES 24 MINUTES 41 SECONDS WEST 302.88 FEET TO THE SOUTH LINE OF THE NORTH 600.00 FEET; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS WEST ON THE SOUTH LINE OF THE NORTH 600.00 FEET 530.87 FEET, TO THE WEST LINE OF GOVERNMENT LOT 1 OF THE NORTHEAST QUARTER OF SECTION 6; THENCE SOUTH 0 DEGREES 24 MINUTES 41 SECONDS EAST ON SAID WEST LINE 422.22 FEET TO THE NORTH LINE OF THE SOUTH 300.00 FEET OF SAID GOVERNMENT LOT 1; THENCE SOUTH 89 DEGREES 55 MINUTES 47 SECONDS EAST ON THE NORTH LINE OF THE SOUTH 300 FEET, 530.88 FEET TO THE POINT OF BEGINNING.

PIN: 06-06-200-015

The proceedings of this public hearing have been electronically recorded and are available for public review at the office of the Lake County Zoning Board of Appeals.

The reports and recommendations received prior to this hearing from the various County Departments and other interested agencies are on file at the office of the Lake County Zoning Board of Appeals. The Board is in receipt of the reports and recommendations from the following agencies:

The Lake County Health Department,
The Lake County Building and Code Enforcement Division and
The Department of Planning, Building and Development

As required by the Lake County Zoning Ordinance, in making its recommendation the Zoning Board of Appeals has considered and taken into account the following:

- a) The testimony at the hearing;
- b) A site inspection of the property in question;
- c) The recommendations from interested official bodies; and
- d) The Standards provided in Section 3.3 of the Unified Development Ordinance.

At the close of the public hearing of the Lake County Zoning Board of Appeals held on April 10, 2007, after a final review of all evidence and testimony presented, Member Westerman moved, with a second by Member Koeppen to recommend the prayer of the petitioners for rezoning from the Agricultural to the Residential – 1 zone be granted. Voting "Aye" on this motion were Members Bell, Freese, Koeppen, Morgan, Raymond and Westerman. Voting "Nay," none. The motion to recommend the petition be granted was passed by a vote of 6 – 0.

The Board finds that the request for rezoning meets the Standards for Map Amendments, Section 3.3, in the following manner:

Standard A. The proposed amendment is consistent with the stated purpose and intent of Sec. 1.5.

Finding: The subject property is designated Residential Single-family Medium Lot on the future land use map of the *Framework Plan*, which specifies a lot size between 1

and 3 acres. The proposed R – 1 zoning is consistent with the Future Land Use Map and the purpose and intent of the Ordinance.

Standard B. The proposed amendment corrects an error or inconsistency or meets the challenge of some changing condition in the area.

Finding: The subject property abuts a residential subdivision with R – 1 zoning on the north, with another R – 1 subdivision to the east across Fairfield Road. A residential subdivision in Lake Villa with lot sizes of approximately 40,000 square feet is to the southeast. The proposed amendment is consistent with the trend of development in the area toward one-acre single family residential development. This trend is also a changing condition that supports the requested rezoning.

Standard C. The proposed amendment will allow development that is compatible with existing uses and zoning of nearby property.

Finding: The predominant use in the area is residential subdivisions with lots of approximately 40,000 square feet. Other uses include Grant Woods Forest Preserve and a church. The proposed rezoning to R – 1 will allow lots consistent in size with the lots in the nearby subdivisions in unincorporated Lake County and Lake Villa. The proposed amendment will allow development that is compatible with what is existing in the area.

Standard D. The County and other service providers will be able to provide adequate public facilities and services to the property, while maintaining adequate levels of service to existing development.

Finding: The subject property will be served by private septic and water well. Vehicle access to Fairfield Road will be reviewed and must be approved by the Lake County Division of Transportation.

Standard E. The proposed amendment will not result in significant adverse impacts on other property in the vicinity of the subject tract or on the environment, including air, water, noise, stormwater management, wildlife and natural resources.

Finding: Compliance with all requirements of the UDO and all applicable permitting agencies will ensure that no significant adverse impacts to other property or the environment will occur.

Standard F. The subject property is suitable for proposed zoning classification.

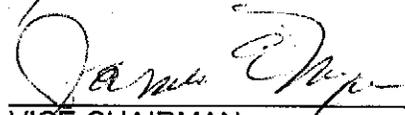
Finding: The above analysis shows that the subject property is suitable for the proposed R – 1 zoning.

At the direction of the Chairman of the Zoning Board of Appeals, this report is herewith forwarded to your Honorable Body with the recommendation that it be accepted.

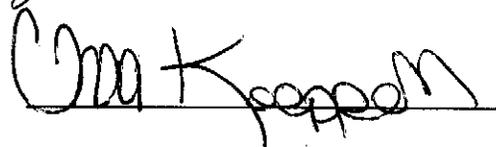
No. 3642
Lake Villa Township

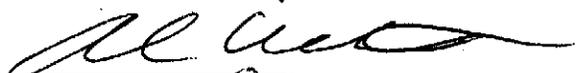


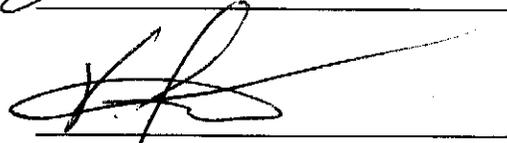
CHAIRMAN

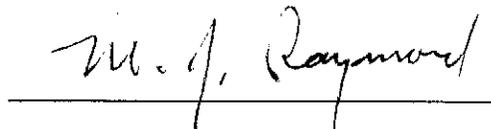


VICE CHAIRMAN









Dated this 24th day of April 2007.

Summary of Testimony

ZBA #3642

A public hearing was conducted by the Lake County Zoning Board of Appeals on April 10, 2007 on the application of Vernon and Joanne Foerster which requests rezoning from the Agricultural to the Residential – 1 zoning district. The subject property is located at 37580 Fairfield Road, Lake Villa, and contains 10 acres, comprised of two, 5-acre parcels. The following is a summary of the testimony:

1. Mr. Vernon Foerster presented the request and testified that he and his wife live in the house on the western parcel of the subject property. He further testified that it is their intention to sell the house in which they reside and build a new house on the eastern parcel.
2. Mr. Foerster said that there already is one house on the eastern parcel, a farmhouse that is currently vacant, and therefore a second house (the one he and his wife intend to live in) cannot be built unless the property is rezoned. In response to a question from the Board, Mr. Foerster stated they have no intention to subdivide the property beyond splitting the eastern parcel to allow them to build their new house.

Summary of Department Comments

ZBA #3642

Lake County Health Department:

The Department has no comments on the rezoning.

Lake County Department of Planning, Building and Development:

The request meets all the standards. Specifically, the future land use in the Framework Plan is Residential Single-family Medium Lot, which specifies a lot size of between 1 and 3 acres. The subject property abuts an R – 1 subdivision on the north, and there is another R – 1 subdivision across Fairfield Road. A nearby residential subdivision in Lake Villa has lot sizes of approximately 40,000 square feet. A church is on an abutting parcel to the south, and the Grant Woods Forest Preserve is on the west. The rezoning is consistent with the trend of development and will allow development compatible with what exists in the area. The property will be served by private septic systems and water wells. There will not be any significant adverse impacts to the environment or nearby properties and the property is suitable for the proposed R – 1 zoning district.



Philip J. Rovang
Director

18 North County Street - 6th Floor
Waukegan, Illinois 60085
Phone 847 377 2875
Fax 847 380 8734
E-mail planning@co.lake.il.us

MEMORANDUM

March 23, 2007

TO: George Bell, Chairman
Lake County Zoning Board of Appeals

FR: Robert Mosteller, Deputy Director 
Lake County Department of Planning, Building and Development

CASE NO: 3642 Rezoning
REQUESTED ACTION: Rezoning from the Agricultural to the Residential – 1 zoning district
PUBLIC HEARING DATE: April 10, 2007

GENERAL INFORMATION

PETITIONERS: Vernon and Joanne Foerster, record owners
OF PARCELS: One
SIZE: 10 acres
LOCATION: 37580 Fairfield Road, Lake Villa

EXISTING ZONING: Agricultural
PROPOSED ZONING: Residential – 1
EXISTING LAND USE: Two detached single-family dwellings on two parcels, approximately 5 acres each; a cell tower; accessory buildings.
PROPOSED LAND USE: Subdivision into single-family lots of not less than 40,000 square feet each.
CONFORMING LOT: The subject properties are conforming in the Agricultural zoning district.

Development Review
Bob Mosteller
Deputy Director

Zoning Administration
Sheel Yajnik
Zoning Administrator

Planning and Support Services
Dennis Sandquist
Deputy Director

Community Development
Vern Witkowski
Deputy Director

SURROUNDING ZONING / LAND USE

NORTH: R – 1 / Single-family dwellings

NORTHEAST and EAST: R – 1 / Single-family dwellings (Crestwood Estates)

WEST: Open Space / Lake County Forest Preserve

SOUTH: Agricultural / Fairfield Road Baptist Church and parsonage
Village of Lake Villa / Lake County Forest Preserve

SOUTHEAST: Village of Lake Villa / R – 1 Single-family dwellings (Ishnala Country Estates)

COMPREHENSIVE PLANS

LAKE COUNTY: Residential Single-family Medium Lot (1 – 3 acres)

MUNICIPALITIES WITHIN 1 ½ MILES: Village of Lake Villa / Suburban Residential

DETAILS OF REQUEST

ACCESS: Access is via Fairfield Road.

PHYSICAL CHARACTERISTICS: The property has rolling topography, generally sloping from east to west. There are no visible obstacles to the development of an R – 1 subdivision on the subject property.

FLOODPLAIN / WETLANDS: According to the County's GIS the subject property is not in a floodplain and does not contain any wetlands.

SEWER AND WATER: Private septic system and water well

RECOMMENDATION ON REZONING

Staff recommends approval. The request meets all required standards as explained below.

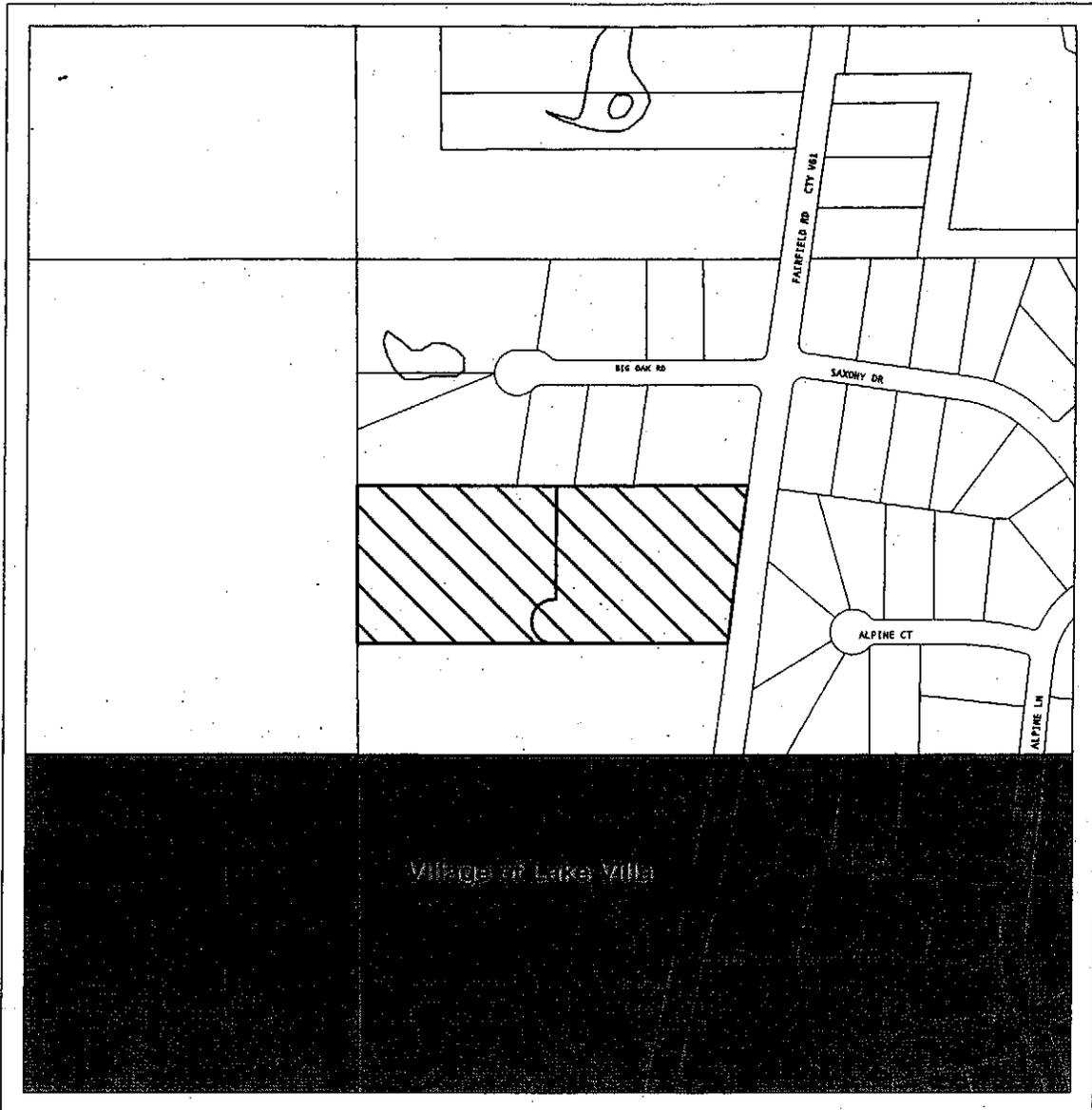
Map Amendment Approval Criteria – UDO Section 3.3.8

- Standard A:** The proposed amendment is consistent with the stated purpose and intent of Sec. 1.5.
- Comment:** The subject property is designated Residential Single-family Medium Lot on the future land use map of the *Framework Plan*, which specifies a lot size of between 1 and 3 acres. The proposed R – 1 zoning is consistent with the Future Land Use and the purpose and intent of the Ordinance.
- Standard B:** The proposed amendment corrects an error or inconsistency or meets the challenge of some changing condition in the area.
- Comment:** The subject property abuts a residential subdivision with R – 1 zoning on the north, with another R – 1 subdivision to the east across Fairfield Road. A residential subdivision in Lake Villa with lot sizes of approximately 40,000 square feet is to the southeast. The proposed amendment is consistent with the trend of development in the area and meets a changing condition, which is the transition of agricultural land into residential subdivisions.
- Standard C:** The proposed amendment will allow development that is compatible with existing uses and zoning of nearby property.
- Comment:** The predominant use in the area is residential subdivisions with lots of 40,000 square feet. Other uses include a Forest Preserve and a church. The proposed rezoning to R – 1, for lots 40,000 square feet in area, will be consistent with the lots in the nearby subdivisions in unincorporated Lake County and Lake Villa. The proposed amendment will allow development that is compatible with what is existing in the area.
- Standard D:** The County and other service providers will be able to provide adequate public facilities and services to the property, while maintaining adequate levels of service to existing development.
- Comment:** The subject property will be served by private septic and water well. Vehicle access to Fairfield Road will be reviewed and must be approved by the Lake County Division of Transportation.
- Standard E:** The proposed amendment will not result in significant adverse impacts on other property in the vicinity of the subject tract or on the environment, including air, water, noise, stormwater management, wildlife and natural resources.

Comment: Compliance with all requirements of the UDO and all applicable permitting agencies will ensure that no significant adverse impacts to other property or the environment will occur.

Standard F: The subject property is suitable for the proposed zoning classification.

Comment: The above analysis shows that the subject property is suitable for the proposed R – 1 zoning.



Zoning Board of Appeals
Case# 3642