

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

STATE OF ILLINOIS )  
 ) ) SS  
COUNTY OF LAKE )

No. 3659  
Antioch Township

Agenda Item # 28

COUNTY BOARD, LAKE COUNTY, ILLINOIS

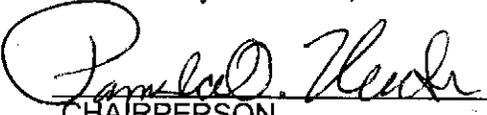
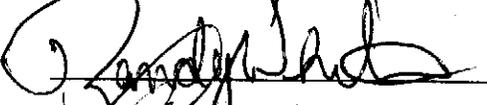
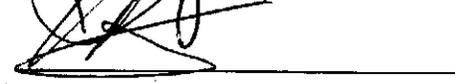
July 10, 2007

MADAM CHAIRMAN AND MEMBERS OF THE COUNTY BOARD:

Your Planning, Building and Zoning Committee presents herewith a Resolution on Zoning Case No. 3659, which consists of the Petition of J.D. Stewart, Inc. and James and Donna Stewart, record owners, relative to a request for rezoning from the Agricultural to the General Commercial zone. The Department of Planning, Building and Development recommends the petition be granted. On the motion "to grant" the prayer of the petitioners, the Zoning Board of Appeals vote is 6 "Ayes" and 0 "Nays." On the motion "to grant" the prayer of the petitioners, the Planning, Building and Zoning Committee vote is 5 "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,

	Aye	Nay
 CHAIRPERSON	X	—
 VICE CHAIRPERSON	✓	—
	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 J.D. Stewart, Inc. and James and Donna Stewart relative to a request for rezoning from the Agricultural to the General Commercial zone for the following real estate, to-wit:

THAT PART OF THE EAST HALF OF FRACTIONAL SECTION 24, TOWNSHIP 46 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE WEST LINE OF THE SOUTHEAST QUARTER OF FRACTIONAL SECTION 24 AND THE INTERSECTION OF FORMER GRASS LAKE ROAD, 1736.6 FEET SOUTH OF THE NORTHWEST CORNER OF SAID SOUTHEAST QUARTER OF FRACTIONAL SECTION 24; THENCE NORTH 70.0 DEGREES 8 MINUTES EAST ALONG THE CENTER OF FORMER GRASS LAKE ROAD, 860.5 FEET TO THE SOUTHWEST CORNER OF A TRACT OF LAND DESCRIBED IN DEED RECORDED AS DOCUMENT 111284; THENCE NORTH 16 DEGREES 24 MINUTES WEST 25.5 FEET TO THE CENTER OF GRASS LAKE ROAD; THENCE WESTERLY ALONG THE CENTER OF SAID GRASS LAKE ROAD 818 FEET TO THE WEST LINE OF THE SOUTHEAST QUARTER OF FRACTIONAL SECTION 24; THENCE SOUTH ALONG THE WEST LINE OF SAID SOUTHEAST QUARTER OF FRACTIONAL SECTION 24, 162.7 FEET TO THE POINT OF BEGINNING, IN LAKE COUNTY, ILLINOIS.

PIN: 01-24-400-015

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 5 to 0 that the petition be granted. Motion made by Member Whitmore, with a second by Member Mountsier, to grant the petition. Voting "Aye," were Members Leafblad, Martini, Mountsier, Whitmore and Newton; 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 General Commercial zone be granted; and

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

STATE OF ILLINOIS            )  
  )     SS  
COUNTY OF LAKE            )

COUNTY BOARD, LAKE COUNTY, ILLINOIS

July 10, 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 June 12, 2007 at 1:00 p.m. in the Antioch Township Hall, 1625 N. Deep Lake Road, Lake Villa, Illinois, relative to the petition of J.D. Stewart, Inc. and James and Donna Stewart requesting rezoning from the Agricultural to the General Commercial zone for the following described real estate, to-wit:

THAT PART OF THE EAST HALF OF FRACTIONAL SECTION 24, TOWNSHIP 46 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE WEST LINE OF THE SOUTHEAST QUARTER OF FRACTIONAL SECTION 24 AND THE INTERSECTION OF FORMER GRASS LAKE ROAD, 1736.6 FEET SOUTH OF THE NORTHWEST CORNER OF SAID SOUTHEAST QUARTER OF FRACTIONAL SECTION 24; THENCE NORTH 70.0 DEGREES 8 MINUTES EAST ALONG THE CENTER OF FORMER GRASS LAKE ROAD, 860.5 FEET TO THE SOUTHWEST CORNER OF A TRACT OF LAND DESCRIBED IN DEED RECORDED AS DOCUMENT 111284; THENCE NORTH 16 DEGREES 24 MINUTES WEST 25.5 FEET TO THE CENTER OF GRASS LAKE ROAD; THENCE WESTERLY ALONG THE CENTER OF SAID GRASS LAKE ROAD 818 FEET TO THE WEST LINE OF THE SOUTHEAST QUARTER OF FRACTIONAL SECTION 24; THENCE SOUTH ALONG THE WEST LINE OF SAID SOUTHEAST QUARTER OF FRACTIONAL SECTION 24, 162.7 FEET TO THE POINT OF BEGINNING, IN LAKE COUNTY, ILLINOIS.

PIN: 01-24-400-015

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 June 12, 2007, after a final review of all evidence and testimony presented, Member Morgan moved, with a second by Member Raymond, to recommend the prayer of the petitioners for rezoning from the Agricultural to the General Commercial zone be granted. Voting "Aye" on this motion were Members Bell, Koeppen, Morgan, Raymond, Westerman and Zerba. 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 future land use of the subject property is Retail / Commercial. The requested rezoning to GC is consistent with the future land use designation and therefore complies with 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 current zoning of Agricultural is poorly suited for the subject property, given its triangular shape, small size, being surrounded by three roads and future land use designation of Retail / Commercial. The proposed rezoning is much more fitting.

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

**Finding:** The subject property currently has a communications tower. Given the odd shape and small size of the parcel, frontages on three roads, plus the location of the cell tower, there are very few additional uses, other than for commercial parking, that could be developed. The desired commercial parking area is compatible with the adjoining commercial uses and GC zoning.

**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:** Vehicle access to the cell tower is from Old Grass Lake Road. Approval for vehicle access for a commercial parking area will have to be obtained from the jurisdiction having authority. Adequate public facilities are available.

**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:** The wider portion of the subject property is at its western end, across from Bootleggers bar. The narrowness of the property on the east, plus access limitations in the Unified Development Ordinance, will ensure that parking spaces

for cars will be on the western portion of the site, removed from the R – 1 zoning to the east. Motorcycle parking, however, could be accommodated at the eastern end of the subject property. The sound of motorcycles being started after the bar closes could impact nearby residences. However, compliance with all requirements of the UDO and all applicable permitting agencies will ensure that no significant adverse impacts to nearby properties or the environment will occur.

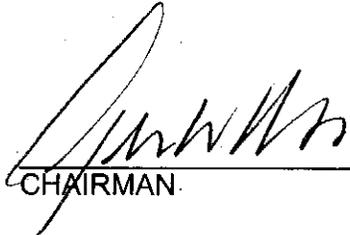
**Standard F.** The subject property is suitable for proposed zoning classification.

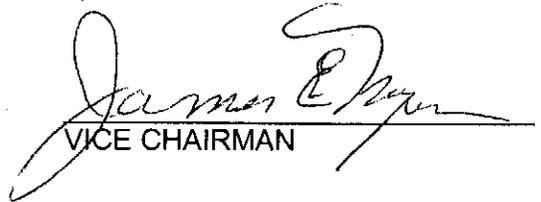
**Finding:** The subject property is physically suitable for the requested zoning and use as a commercial parking area.

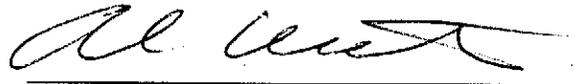
At the direction of the Chairman of the Zoning Board of Appeals, this report is herewith forwarded to your Honorable Body with the recommendation that it be accepted.

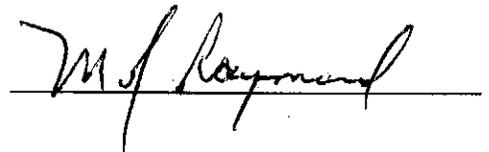
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No. 3659  
Antioch Township

  
CHAIRMAN

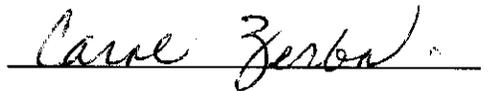
  
VICE CHAIRMAN

  
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Dated this 14th day of June 2007.

## Summary of Testimony

### ZBA #3659

A public hearing was conducted by the Lake County Zoning Board of Appeals on June 12, 2007 on the application of J.D. Stewart, Inc. and James and Donna Stewart, record owners, requesting rezoning from the Agricultural zone to the General Commercial zone. The subject property is located at 25415 W. Grass Lake Road (east side of Rena Avenue between Grass Lake Road and Old Grass Lake Road), contains 0.43 acres and is nonconforming in the AG zoning district. The following is a summary of the testimony:

1. Ms. Donna Stewart presented the request and testified that the subject property, together with the parcel with Bootleggers bar / restaurant, was purchased approximately 8 years ago. Ms. Stewart further testified that the subject property was used as parking for the bar at the time she purchased it, and she was not aware that it was not zoned commercial.
2. Ms. Stewart testified that the subject property was needed for parking because Bootleggers, which she described as a neighborhood bar and grill, has volleyball and horseshoe leagues and sponsors numerous charity events. She explained that because of the cell tower on the subject property, the only additional, practical use is parking.

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## Summary of Department Comments

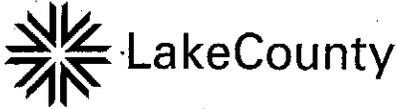
### ZBA #3659

#### Lake County Health Department:

The Health Department has no comments on the rezoning.

#### Lake County Department of Planning, Building and Development:

Planning staff recommends approval of the rezoning as the request meets all the standards. Specifically, the subject property is poorly suited for its current zoning of Agricultural because of its small size, triangular shape and frontage on three roads. In addition to its physical constraints, the property's future land use designation of Retail / Commercial further supports the rezoning request. Because of the limitations of the parcel, plus the location of the cell tower, there are very few, if any, additional uses other than parking, which could be developed on the subject property. The proposed rezoning is compatible with the adjoining commercial uses in the area that are zoned GC. Compliance with all requirements of the UDO and all applicable permitting agencies will ensure that no significant adverse impacts to nearby properties or the environment will occur if the property is rezoned to GC and used for parking.



Philip J. Rovang  
Director

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**MEMORANDUM**

June 4, 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: 3659 Rezoning  
REQUESTED ACTION: Rezoning from the Agricultural to the General Commercial zoning district  
PUBLIC HEARING DATE: June 12, 2007

**GENERAL INFORMATION**

PETITIONERS: J.D. Stewart, Inc. and James and Donna Stewart, record owners  
# OF PARCELS: One  
SIZE: 0.43 acres  
LOCATION: 25415 W. Grass Lake Road, Antioch

EXISTING ZONING: Agricultural  
PROPOSED ZONING: General Commercial  
EXISTING LAND USE: Cell tower and two free standing, off-site advertising signs.  
PROPOSED LAND USE: Parking for Bootleggers bar / restaurant  
CONFORMING LOT: The subject property is nonconforming in the Agricultural zoning district. If the rezoning is approved, the property will be conforming in the GC 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

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### SURROUNDING ZONING / LAND USE

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NORTH: Agricultural / Vacant

EAST: Agricultural / Vacant (ROW)

SOUTHEAST: R - 1 / Single-family dwellings and vacant lots

SOUTH: General Commercial / Bootleggers Bar; office building  
R - 1 / Single-family dwellings and vacant lots

WEST: R - 1 / Vacant

SOUTHWEST: General Commercial / Office building; single-family dwelling

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### COMPREHENSIVE PLANS

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LAKE COUNTY: Retail / Commercial

MUNICIPALITIES WITHIN 1 ½ MILES: Village of Lake Villa: Not designated

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### DETAILS OF REQUEST

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ACCESS: Current access to the cell tower is from Old Grass Lake Road.

PHYSICAL CHARACTERISTICS: The property is relatively flat. It is a narrow, triangular piece of land located between Grass Lake Road and Old Grass Lake Road.

FLOODPLAIN / WETLANDS: The subject property is not in floodplain and does not contain any wetlands.

SEWER AND WATER: Private septic and water well (not applicable)

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## ADDITIONAL COMMENTS

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The permit for the cell tower was issued in 2004. The cell tower is a beneficial use, permitted by right in the Agricultural zoning district.

The two freestanding, off-site signs have been determined to be legal, non-conforming signs. The "Donate your Boat – RV" sign east of the cell tower is an illegal, temporary freestanding banner-type advertising sign.

A letter citing "tavern-related parking violations" taking place on the subject property was sent to the owners in June 2006.

The parking requirements for bars and taverns is 14 parking spaces per 1000 square feet (UDO 9.1.2, page 9-2). Off-site parking may not be used to satisfy the parking requirements for bars and restaurants (UDO 9.1.5.A.2).

No off-site parking space may be located more than 600 feet from the primary entrance to the use being served (UDO 9.1.5.A.3). The entire parcel is within 600 feet of the primary entrance to Bootleggers.

Off-street parking spaces cannot be located within required landscaping. Off-street parking spaces must be at least 5 feet from property lines (UDO 9.1.6).

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## RECOMMENDATION ON REZONING

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Staff recommends approval. In our opinion, the request complies with the 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 future land use of the subject property is Retail / Commercial. The requested rezoning to GC is consistent with the future land use designation and therefore complies with 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 current zoning of Agricultural is poorly suited for the subject property, given its triangular shape, small size and being surrounded by three roads and future land use designation of Retail / Commercial. The proposed rezoning is much more fitting.

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

Comment: As stated in Additional Comments section above, the property has a beneficial use in its current zoning district. Given the odd shape and small size of the parcel, with frontages on three roads, plus the location of the cell tower, there are very few additional uses, other than for parking, that could be developed on the subject property. This is compatible with the adjoining commercial uses and GC zoning.

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: Vehicle access to the cell tower is from Old Grass Lake Road. Approval for vehicle access for a newly constructed parking lot will have to be obtained from the jurisdiction having authority. Adequate public facilities are available.

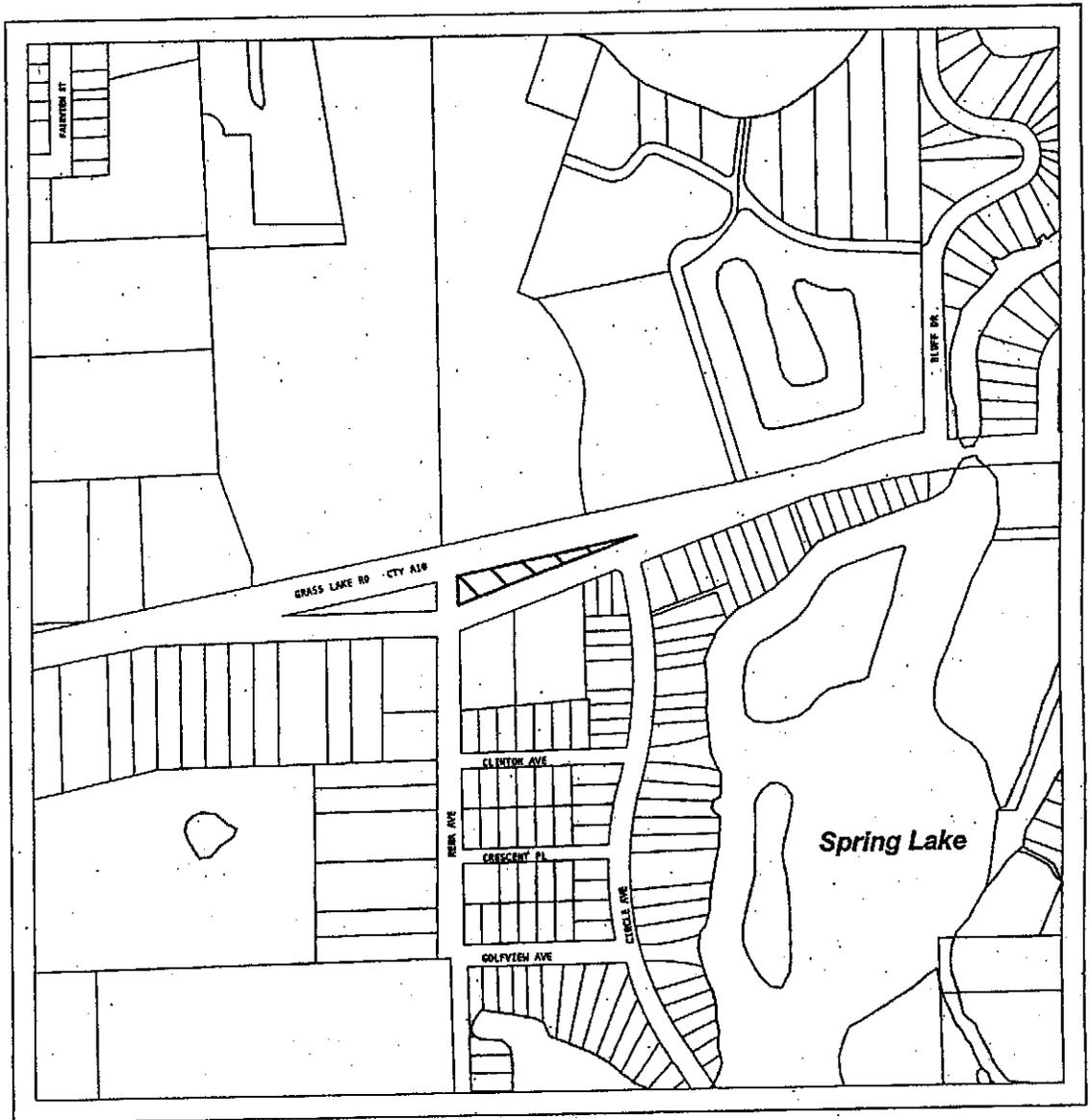
Standard E: The proposed amendment will not result in significant adverse impacts on other property in the vicinity of the subject tract or on the environment, including air, water, noise, stormwater management, wildlife and natural resources.

Comment: The wider portion of the subject property is at its western end, across from Bootleggers bar. The narrowness of the property on the east, plus access limitations that will be imposed through the site plan review process, will ensure that parking spaces for cars will be on the western portion of the site, removed from the R - 1 zoning to the east. Motorcycle parking, however, could be accommodated at the eastern end of the subject property. The sound of motorcycles being started after the bar closes can create a significant adverse impact to the nearby residences. Compliance with all requirements of the UDO and all applicable permitting agencies will ensure that no significant adverse impacts to the environment will occur.

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

Comment: The subject property is physically suitable for the requested zoning and use as a parking lot.

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**Zoning Board of Appeals  
Case# 3659**