

Agenda Item # 39

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

STATE OF ILLINOIS)

No. 3663
Antioch Township

) SS

COUNTY OF LAKE)

COUNTY BOARD, LAKE COUNTY, ILLINOIS

REGULAR SEPTEMBER, A.D. 2007 SESSION

September 11, 2007

MADAM CHAIRMAN AND MEMBERS OF THE COUNTY BOARD:

Your Planning, Building and Zoning Committee presents herewith a Resolution on Zoning Case No. 3663, which consists of the Petition of Stjepan and Rita Pavlin, record owners, relative to a request for rezoning from the Residential - 1 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 7 "Ayes" and 0 "Nays." On the motion "to grant" the prayer of the petitioners, 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,

Aye Nay

CHAIRPERSON

Judy Martini ✓

VICE-CHAIRPERSON

Susan L. Prosser ✓

Robert Sabonian ✓

[Signature] ✓

Randy White ✓

Simon Mauter ✓

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 Stjepan and Rita Pavlin relative to a request for rezoning from the Residential - 1 to the General Commercial zone for the following real estate, to-wit:

Parcel 1: Lot 1 and the east half of lot 2, in block 2 in Smith's second subdivision of part of the south east quarter of the south east quarter, of section 11, township 46 north, range 9, east of the third principal meridian, according to the plat thereof, recorded April 9, 1914, as document 152537 in book "I" of plats, page 91, in Lake County Illinois;

PIN: 01-11-411-035

Parcel 2: The west half of lot 6, and lots 7 and 8 in block 2, lying south and east of the centerline of state highway 173 in Smith's second subdivision of part of the south east quarter of the south east quarter, of section 11, township 46 north, range 9, east of the third principal meridian, according to the plat thereof, recorded April 9, 1914, as document 152537 in book "I" of plats, page 91, in Lake County, Illinois.

PIN: 01-11-411-036

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 7 - 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 Whitmore, with a second by Member Gravenhorst, to grant the petition. Voting "Aye," were Members Leafblad, Whitmore, Mountsier, Gravenhorst, Sabonjian and Martini; voting "Nay," none.

NOW, THEREFORE, BE IT RESOLVED by the Lake County Board that the request of the Petitioners for the rezoning from the Residential - 1 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.

No. 3663
Antioch Township

STATE OF ILLINOIS)
) SS
COUNTY OF LAKE)

COUNTY BOARD, LAKE COUNTY, ILLINOIS

September 11, 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 July 30, 2007 at 1:00 p.m. in the Antioch Township Hall, 1625 N. Deep Lake Road, Lake Villa, Illinois, relative to the petition of Stjepan and Rita Pavlin requesting rezoning from the Residential – 1 to the General Commercial zone for the following described real estate, to-wit:

Parcel 1: Lot 1 and the east half of lot 2, in block 2 in Smith's second subdivision of part of the south east quarter of the south east quarter, of section 11, township 46 north, range 9, east of the third principal meridian, according to the plat thereof, recorded April 9, 1914, as document 152537 in book "I" of plats, page 91, in Lake County Illinois;

PIN: 01-11-411-035

Parcel 2: The west half of lot 6, and lots 7 and 8 in block 2, lying south and east of the centerline of state highway 173 in Smith's second subdivision of part of the south east quarter of the south east quarter, of section 11, township 46 north, range 9, east of the third principal meridian, according to the plat thereof, recorded April 9, 1914, as document 152537 in book "I" of plats, page 91, in Lake County, Illinois.

PIN: 01-11-411-036

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 July 30, 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 Residential – 1 to the General Commercial zone be granted. Voting "Aye" on this motion were Members Bell, Koeppen, Morgan, Raymond, Stimpson, Van Erden and Zerba. Voting "Nay," none. The motion to recommend the petition be granted was passed by a vote of 7 – 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 Residential Medium Lot. The requested rezoning to GC is not consistent with the future land use designation. However, these lots are not well suited for residential use due to their small size, frontage on or proximity to IL 173 and location adjacent to a bar.

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 Residential – 1 is an error. The proposed GC zoning district is much more fitting. The western parcel, because of its small size, triangular shape and being part of a stormwater conveyance system, is especially impractical for residential use. One of the few beneficial uses that can be established on the western parcel is parking for the existing bar. The eastern parcel is similarly unsuitable for residential development because of its proximity to IL 173 and because it adjoins the bar.

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

Finding: The purpose of the rezoning is to utilize the property as parking for an existing bar. The bar is a legal, conforming use in the GC zoning district. A Moose Lodge (zoned RC) is across IL 173 from the bar and the western parcel in the rezoning request. The property south of the western parcel is vacant. The properties north, east, and south of the eastern parcel are also vacant. The provisions of the UDO will ensure that development of the two parcels for use as parking for the existing bar will be compatible with nearby properties.

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 bar is from IL 173. If additional access points are desired, permits must be obtained from the authority with jurisdiction. The Health Department has the responsibility for monitoring the adequacy of the bar's septic system. Adequate infrastructure and services 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.

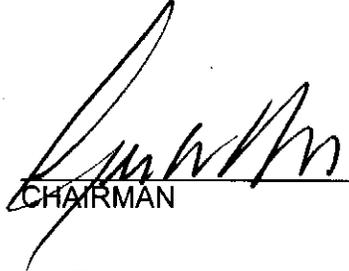
Finding: Compliance with all requirements of the UDO and all applicable permitting agencies will ensure there will not be any significant adverse impacts to other properties or the environment.

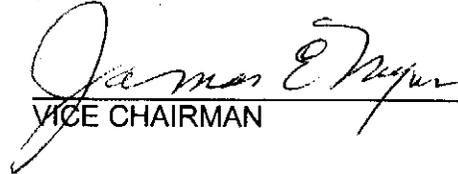
Standard F. The subject property is suitable for proposed zoning classification.

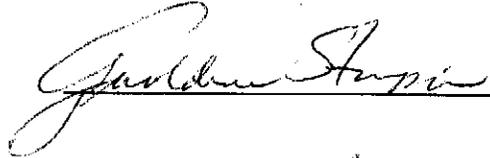
Finding: The subject properties are physically suitable for the requested GC zoning and use as parking for the existing bar.

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. 3663
Antioch Township


CHAIRMAN


VICE CHAIRMAN







Dated this 20th day of August 2007.

Summary of Testimony

ZBA #3663

A public hearing was conducted by the Lake County Zoning Board of Appeals on July 30, 2007 on the application of Stjepan and Rita Pavlin, record owners, requesting rezoning from the Residential – 1 to the General Commercial zone. The subject property is located at 26062 W. North View Ave. and 26011 W. Maple Ave., Antioch. The two parcels are 0.15 and 0.41 acres, respectively and are nonconforming in the R – 1 Zoning District.

The following is a summary of the testimony:

1. Mr. and Mrs. Pavlin presented their request and testified that the purpose of the rezoning is to provide additional parking spaces for their sports bar, which is located between the two parcels. They further testified they expect to add 35 additional paved parking spaces. The new parking will be fenced. The rezoning will also allow greater flexibility in the location of their business signage.
2. Mr. Pavlin discussed the memo from the Health Department (*the memo is attached*). He testified that they have owned the property for about 3 ½ years. He was aware that the septic system had failed approximately 10 years ago. He stated that the excavation reported in the memorandum from the Health Department was not related to the septic system. Mr. Pavlin explained that when he purchased the sports bar the runoff from the roof collected in the low spot in the rear yard. He dug the trenches to try to drain the area where the roof runoff collects. He has since cleaned and repaired the roof gutters and downspouts and the runoff now goes to the east and west sides, not to the rear yard.

Summary of Department Comments

ZBA #3663

Lake County Health Department:

According to the memorandum from the Health Department, there appears to be a low area over the existing septic trenches which has retained ponded water / wastewater at some point in the past. Three shallow trenches have been dug, all containing gravel and piping, which extend outward from this low area. Based upon the Lake County Board of Health Ordinance, Article V, this work is considered an illegal septic repair, and these trenches may allow improperly treated sewage to discharge to the ground surface or come in contact with the seasonal high water table. The Health Department is investigating.

Lake County Department of Planning, Building and Development:

Planning staff recommends approval of the rezoning because the request complies with the standards in the following manner: While the future land use of the subject property is

July 24, 2007

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

From: Gloria J. Westphal, C.P.S.C.
Soil Scientist II
Environmental Health Services

Re: Lake County Zoning Notice #3663—Rezone from the Residential 1 zone to the General Commercial zone two separate parcels located at 26062 W. North View Ave. and 26011 W. Maple Ave., Antioch.

PIN: 01-11-411-035 & 036

The Lake County Health Department is unable to approve the proposed rezoning request for these parcels due to the following:

- An on-site inspection of the wastewater system and water well revealed the following:
 - There appears to be a low area over the existing septic trenches which has ponded water/wastewater at some point in the past. Three shallow trenches have been dug, all containing gravel and piping, which extend outward from this low area. Based upon the Lake County Board of Health Ordinance, Article V, this work is considered an illegal septic repair, and these trenches may allow improperly treated sewage to discharge to the ground surface or come in contact with the seasonal high water table. Our office will continue to investigate this matter.

/GJW

Residential, these lots are not well suited for residential use due to their small size, frontage on or proximity to IL 173 and location adjacent to a bar, which is a legal, conforming use in the GC district. Because of these factors the Residential - 1 zoning is an error; the proposed GC zoning district is much more fitting and is compatible with the uses and zoning of nearby properties. A Moose Lodge (zoned RC) is across IL 173. The property south of the western parcel is vacant. The properties north, east, and south of the eastern parcel are also vacant.

Adequate infrastructure and services are available. Compliance with all requirements of the UDO and all applicable permitting agencies will ensure there will not be any significant adverse impacts to other properties or the environment. The subject properties are physically suitable for the requested GC zoning and intended use as parking for the existing sports bar.



Philip J. Rovang
Director

18 North County Street - 6th Floor
Waukegan, Illinois 60085
Phone 847 377 2875
Fax 847 360 8734
E-mail planning@co.lake.il.us

MEMORANDUM

July 11, 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: 3663 Rezoning

REQUESTED ACTION: Rezoning from the Residential – 1 to the General Commercial zoning district

PUBLIC HEARING DATE: July 30, 2007

GENERAL INFORMATION

PETITIONERS: Stjepan and Rita Pavlin, record owners

OF PARCELS: Two

SIZE: 0.15 and 0.41 acres

LOCATION: 26062 W. North View Ave. and 26011 W. Maple Ave., Antioch

EXISTING ZONING: Residential – 1

PROPOSED ZONING: General Commercial

EXISTING LAND USE: Vacant; part of a stormwater drainage system is located in the western parcel (PIN 01-11-411-035)

PROPOSED LAND USE: Parking for Steve's Sports Bar and Darts & More

NONCONFORMING LOTS: Both parcels are nonconforming in the R – 1 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

NORTHWEST: Recreational Commercial / Vacant; single-family dwellings
NORTHEAST: R – 1 / Vacant; single-family dwellings
EAST: R – 1 / Vacant; single-family dwellings
SOUTH: R – 1 / Vacant; single-family dwellings
WEST: Recreational Commercial / Moose Lodge

COMPREHENSIVE PLANS

LAKE COUNTY: Residential Medium Lot (1 – 3 acre lots)
MUNICIPALITIES WITHIN 1 ½ MILES: City of Antioch: Not designated

DETAILS OF REQUEST

ACCESS: Access to the bar is from IL 173.

PHYSICAL CHARACTERISTICS: The western parcel is small and triangular in shape. This parcel is part of a stormwater drainage system; a culvert from the north side of IL 173 discharges into a ditch on the subject property. The water then drains to the southwest via a culvert underneath View Avenue. The eastern parcel is relatively flat with woodlands.

FLOODPLAIN / WETLANDS: According to the County's GIS, the entire property (the existing bar and the parcels involved in the rezoning request) is in the floodplain and a wetland is present at the southern edge of the western parcel.

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

ADDITIONAL COMMENTS

Landscaping requirements are:

Western Parcel: Frontage on IL 173 must have 1 plant unit per 100 feet of road frontage (UDO 9.3.4.B.2).

The southern boundary of the parcel must have 2 canopy trees per 100 feet of road frontage on View Avenue (UDO 9.3.4.A).

Eastern Parcel: The northern and southern boundaries, with frontage on Maple and View Avenues respectively, must have 2 canopy trees per 100 feet of road frontage (UDO 9.3.4.A).

A 15 foot wide transition yard (UDO 9.3.6.B) containing 1.5 plant units per 100 feet is required along the eastern boundary because this parcel adjoins a vacant parcel zoned R – 1. These landscaping requirements may be modified by agreement with the adjoining property owner.

The landscaping standards for parking lots in UDO 9.3.3 must be followed.

RECOMMENDATION ON REZONING

Staff recommends approval. In our opinion, the request satisfies the preponderance of 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 Residential Medium Lot. The requested rezoning to GC is not consistent with the future land use designation. However, these lots are not well suited for residential use due to their small size, frontage on or proximity to IL 173 and location adjacent to a bar.

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 Residential – 1 is an error. The proposed GC zoning district is much more fitting. The western parcel, because of its small size, triangular shape and being part of a stormwater conveyance system, is

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Comment: The purpose of the rezoning is to utilize the property as parking for an existing bar. The bar is a legal, conforming use in the GC zoning district. A Moose Lodge (zoned RC) is across IL 173 from the bar and the western parcel in the rezoning request. The property south of the western parcel is vacant. The properties north, east, and south of the eastern parcel are also vacant. The provisions of the UDO will ensure that development of the two parcels for use as parking for the existing bar will be compatible with nearby properties.

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.

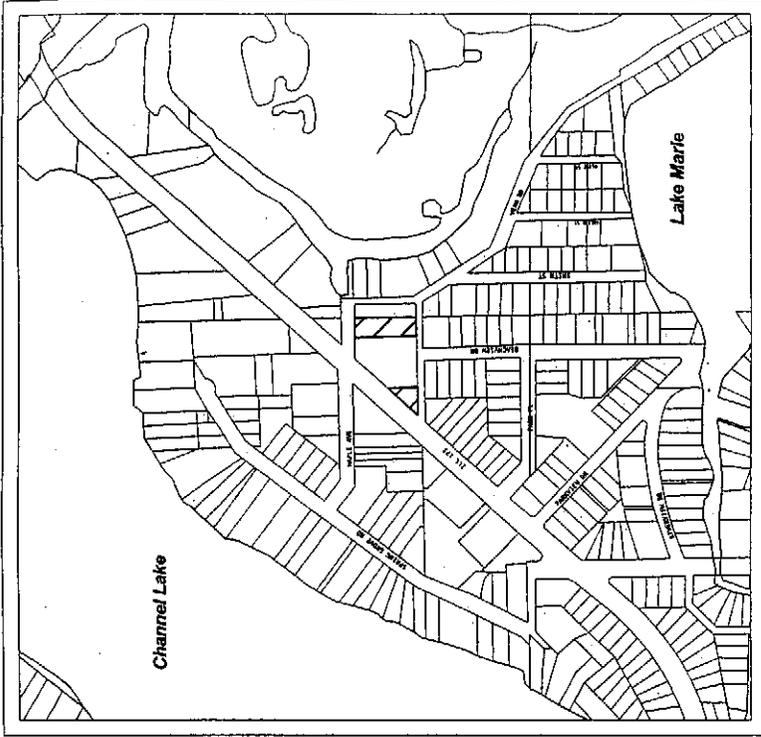
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Standard E: The proposed amendment will not result in significant adverse impacts on other property in the vicinity of the subject tract or on the environment, including air, water, noise, stormwater management, wildlife and natural resources.

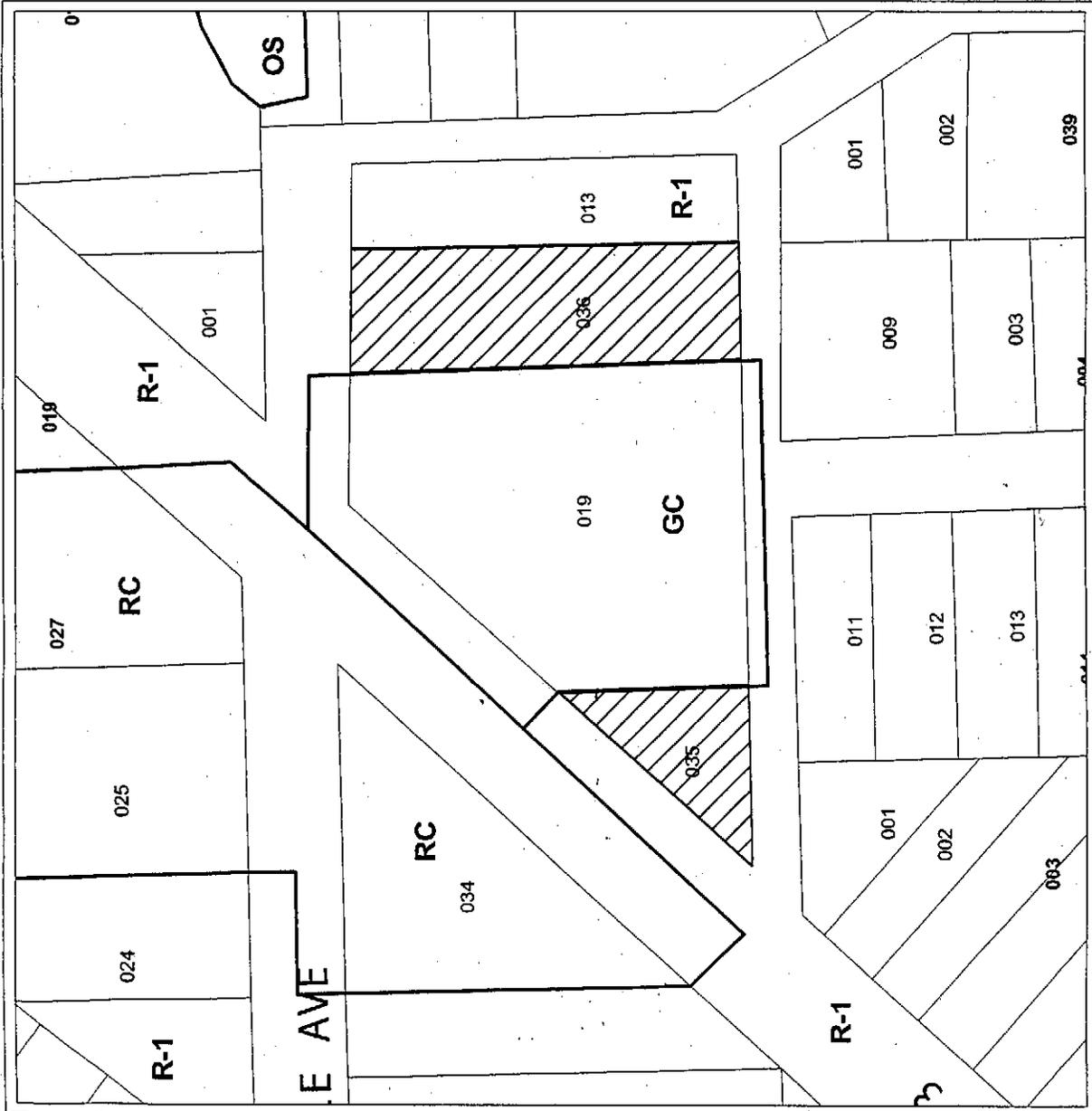
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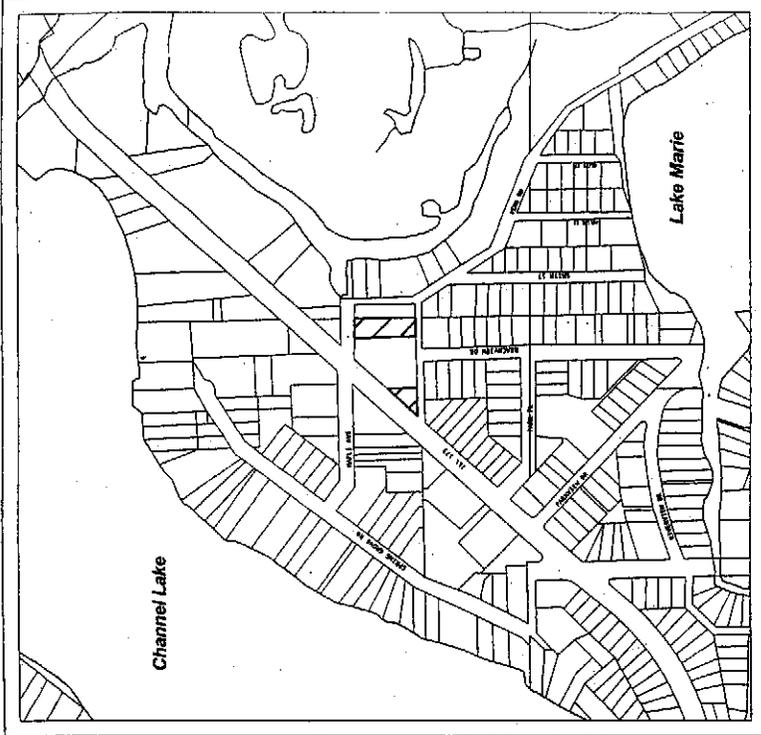
Standard F: The subject property is suitable for the proposed zoning classification.

Comment: The subject properties are physically suitable for the requested GC zoning and use as parking for the existing bar.

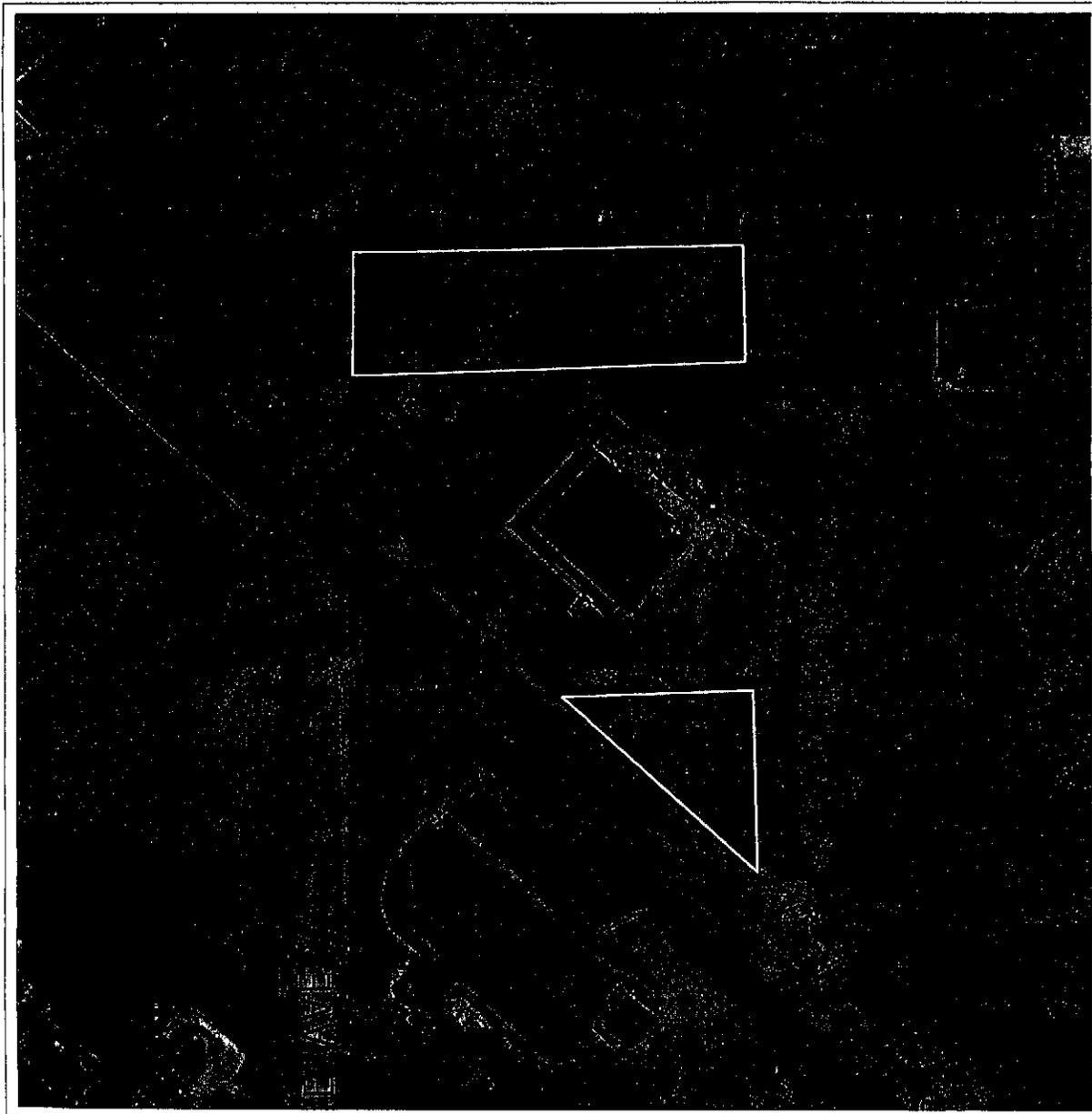


Zoning Board of Appeals Case# 3663





Zoning Board of Appeals Case# 3663 Antioch Township



Subject Parcel



Incorporated Lake County



June 25, 2007