

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

STATE OF ILLINOIS)
) SS
COUNTY OF LAKE)

No. 3682
Libertyville Township

Agenda Item #

44

COUNTY BOARD, LAKE COUNTY, ILLINOIS

November 13, 2007

MADAM CHAIRMAN AND MEMBERS OF THE COUNTY BOARD:

Your Planning, Building and Zoning Committee presents herewith a Resolution on Zoning Case No. 3682, which consists of the Petition of Fanoula Lampros, record owner, relative to a request for rezoning from the Residential - 4 to the Residential - 6 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 7 "Ayes" and 0 "Nays." On the motion "to grant" the prayer of the petitioner, the Planning, Building and Zoning Committee vote is 7 "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 O. Reed Aye Nay ✓
CHAIRPERSON

Judy Martini ✓
VICE-CHAIRPERSON

Susan L. Greenhouse ✓

Robert J. ... —

[Signature] X

Randy ... X

William ... 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 Fanoula Lampros, record owner, relative to a request for rezoning from the Residential - 4 to the Residential - 6 zone for the following real estate, to-wit:

Lots 60 and 61 in Cranes' Villa, a Subdivision of part of the South West Quarter of Section 31, Township 44 North, Range 11, East of the 3rd P.M., according to the Plat thereof, recorded September 29, 1926 as Document No. 287118, in Book "Q" of Plats, page 53, in Lake County, Illinois.

PINs: 11-31-311-034 and -035

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 7 to 0 that the petition be granted. Motion made by Member LEAFBLAD, with a second by Member GRANENHORST, to grant the petition. Voting "Aye," were Members ALL; voting "Nay," Members NONE.

NOW, THEREFORE, BE IT RESOLVED by the Lake County Board that the request of the Petitioner for rezoning from the Residential - 4 to the Residential - 6 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.

No. 3682
Libertyville Township

STATE OF ILLINOIS)
) SS
COUNTY OF LAKE)

COUNTY BOARD, LAKE COUNTY, ILLINOIS

November 13, 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 October 17, 2007 at 1:00 p.m. in the Lake County Division of Transportation, 600 W. Winchester Road, Libertyville, Illinois, relative to the petition of Fanoula Lampros, record owner, requesting rezoning from the Residential – 4 to the Residential – 6 zone for the following described real estate, to-wit:

Lots 60 and 61 in Cranes' Villa, a Subdivision of part of the South West Quarter of Section 31, Township 44 North, Range 11, East of the 3rd P.M., according to the Plat thereof, recorded September 29, 1926 as Document No. 287118, in Book "Q" of Plats, page 53, in Lake County, Illinois.

PINs: 11-31-311-034 and -035

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

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 October 17, 2007, after a final review of all evidence and testimony presented, Member

Stimpson moved, with a second by Member Raymond, to recommend the prayer of the petitioner for rezoning from the Residential – 4 to the Residential – 6 for the purpose of constructing three townhouse dwelling units be granted. Voting "Aye" on this motion were Members Bell, Koeppen, Raymond, Reindl, Stimpson, Westerman 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 Framework Plan designates the subject property as Residential Small Lot. UDO 5.6.1. states that the R – 6 district is intended to implement the Residential Small Lot future land use designation. The request is consistent 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: Multi-family dwellings zoned R – 6 predominate in the area on the north side of Rose Avenue west of the subject property, and north and east of the subject property. Without the rezoning, only two, detached single-family dwellings can be built on the subject property, which would not be consistent with the character of the immediate area. The rezoning will eliminate a zoning inconsistency on the north side of Rose Avenue.

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

Finding: The requested R – 6 zoning is compatible with the R – 6 zoning to the west, north and east. The density of these three existing multi-family developments ranges from 7 to 9 units per acre. If three units are built on the subject property, its density would be approximately 6.3 units per acre. Three units on the subject property will not negatively impact the nearby detached, single-family dwellings.

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: Public sewer is available. Driveway access will have to be approved by the township highway commissioner. 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.

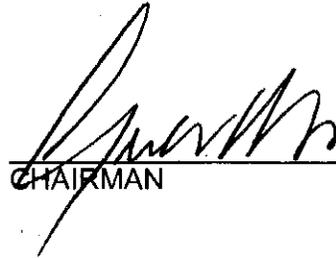
Finding: Compliance with all requirements of the UDO and all applicable permitting agencies will ensure that no significant adverse impacts to other property or the environment will occur.

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

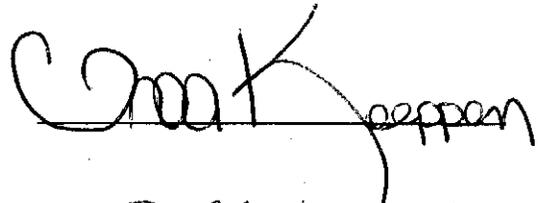
Finding: The property is physically suitable for the types of uses / development allowed in the R – 6 zoning district and, given the surrounding multi-family developments, the property is not well suited for single-family development as allowed by the current R – 4 zoning.

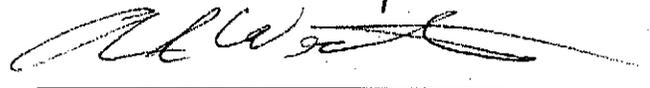
At the direction of the Chairman of the Zoning Board of Appeals, this report is herewith forwarded to your Honorable Body with the recommendation that it be accepted.

No. 3682
Libertyville Township

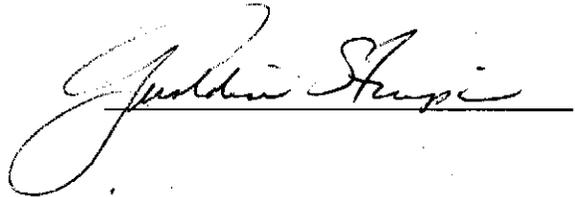

CHAIRMAN

VICE CHAIRMAN

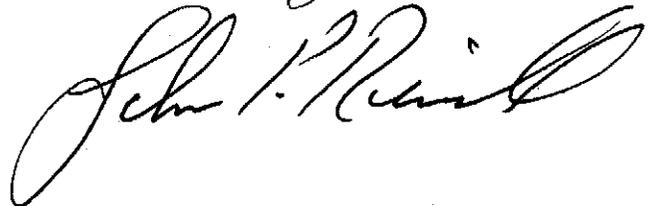












Dated this 29th day of October 2007.

Summary of Testimony

ZBA #3682

A public hearing was conducted by the Lake County Zoning Board of Appeals on October 17, 2007 at 1:00 P.M. in the Lake County Division of Transportation, 600 W. Winchester Road, Libertyville, Illinois, on the application of Fanoula Lampros record owner, which seeks rezoning from the Residential – 4 to the Residential – 6 zone for the purpose of constructing three townhouse dwelling units. The addresses of the subject property are 26228 and 26234 N. Daisy Lane, Mundelein, Libertyville township. The subject property contains 0.27 acres (not including the vacated right-of-way of Daisy Lane).

The following is a summary of the testimony:

1. Ms. Tatiana Czaplicki, attorney, and Mr. Bill Spentzos, son-in-law of the owner and the builder of the project, presented the request. Ms. Czaplicki testified that, based on the updated survey of the property, the property's area, including the vacated right-of-way for Daisy Lane, was 16,395 square feet. She explained that her clients understand a variation is necessary to construct three dwelling units, based on the minimum required area of 16,500 square feet.
2. Mr. Spentzos testified that the townhouses proposed for the subject property would be as nice as, or nicer than, the condominiums east of the subject property (the Village Green Townhomes Condominiums).

Summary of Department Comments

ZBA #3682

Lake County Health Department:

The Department has no objections. A well permit is required. The separation distance between the well and the sewer must be met.

Lake County Department of Planning, Building and Development:

Planning staff recommends approval of the rezoning. The request complies with the standards in the following manner:

The Framework Plan designates the subject property as Residential Small Lot, with lot sizes less than .25 of an acre. R – 6 zoning is consistent with the Future Land Use and the request is consistent with the purpose and intent of the Ordinance.

Multi-family dwellings zoned R – 6 are west, north and east of the subject property. The densities of the developments range from 7 to 9 units per acre. If three units are built, the comparable density on the subject property would be approximately 6.3 units per acre. The rezoning will eliminate a zoning inconsistency on the north side of Rose Avenue. Three units on

the subject property will not negatively impact the nearby detached, single-family dwellings. Adequate infrastructure and services, including public sewer, are available.

The property is physically suitable for the types of uses / development allowed in the R – 6 zoning district and, given the multi-family developments in the area, the property is not well suited for single-family development as allowed by the current R – 4 zoning. 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.



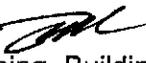
Philip J. Rovang
Director

18 North County Street - 6th Floor
Waukegan, Illinois 60085
Phone 847 377 2875
Fax 847 360 6734
E-mail planning@co.lake.il.us

MEMORANDUM

October 5, 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: 3682 Rezoning

REQUESTED ACTION: Rezoning from the Residential-4 zone to the Residential-6 zone for the purpose of constructing three townhouse dwelling units.

ZBA PUBLIC HEARING DATE: October 17, 2007

GENERAL INFORMATION

PETITIONER: Fanoula Lampros, record owner

OF PARCELS: Two (PINs: 11-31-311-034 and -035)

SIZE: The area of the two parcels is 0.28 acres (approx. 11,972 square feet).

The area of the Daisy Lane ROW to be vacated is 4456 square feet.

Total area (two parcels plus vacated Daisy Lane ROW) is 16,428 square feet (approximately 0.38 acres).

ADDRESS: 26228 and 26234 N. Daisy Lane, Mundelein, Libertyville twp.

EXISTING ZONING: Residential - 4

PROPOSED ZONING: Residential - 6

EXISTING LAND USE: Vacant

PROPOSED LAND USE: Three multi-family town homes or condominiums

SURROUNDING ZONING / LAND USE

NORTH: R – 6 / Multi-family (Village Green Townhomes Condominiums)

EAST: R – 4 / Vacant (platted street right-of-way);
R – 6 Multi-family (Village Green Townhomes Condominiums)

SOUTH: R – 4 / Single-family dwellings

WEST: R – 6 / Multi-family (six unit and four unit apartments)

COMPREHENSIVE PLANS

LAKE COUNTY: Residential Single-family Small Lot (lot size < .25 acres)

MUNICIPALITIES WITHIN 1 ½ MILES: Village of Mundelein : Single Family Residential

DETAILS OF REQUEST

ACCESS: Access will be provided from Rose Avenue.

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: The property will be served by public sewer and private water wells.

ADDITIONAL COMMENTS

The owner has submitted a request to the County to vacate Daisy Lane adjacent to the subject property. If the vacation is approved, lots 60 and 61 must be consolidated with the vacated right-of-way.

The minimum lot area required for three townhouses is 16,500 square feet; the minimum lot width for three townhouses is 90 feet [UDO Table 7.1-1(A)]. The applicant has not provided information that shows the property meets the minimum area for three townhouses.

RECOMMENDATION ON REZONING

Staff recommends approval for the rezoning from R – 4 to R – 6. In staff's opinion the request meets the Map Amendment Approval Criteria in Section 3.3.8 as follows:

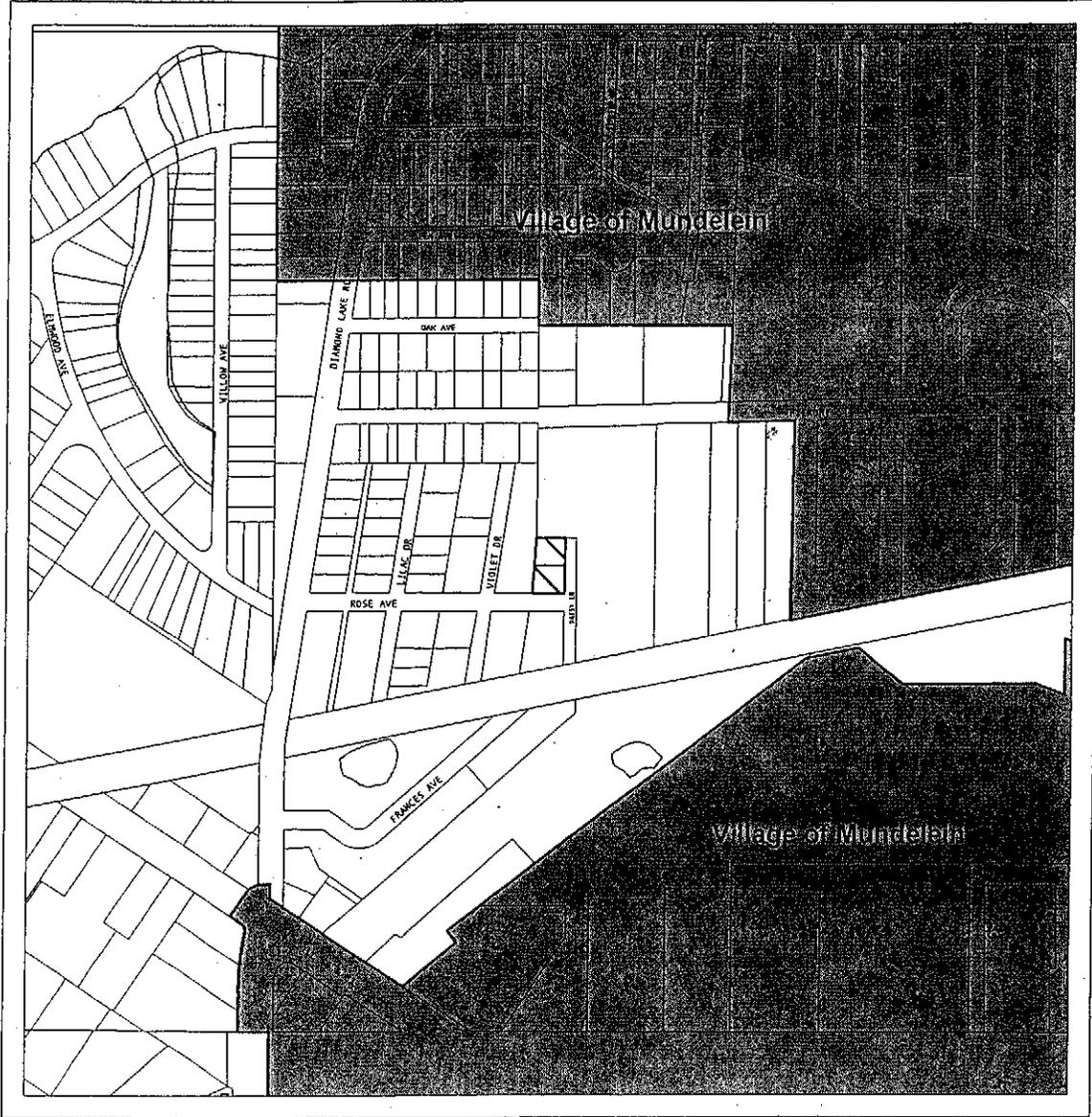
Map Amendment Approval Criteria – UDO Section 3.3.8

- Standard A:** The proposed amendment is consistent with the stated purpose and intent of Sec. 1.5.
- Comment:** The Framework Plan designates the subject property as Residential Small Lot. UDO 5.6.1. states that the R – 6 district is intended to implement the Residential Small Lot future land use designation. The request is consistent 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:** Without the rezoning, only two single-family dwellings can be built on the subject property. Multi-family dwellings zoned R – 6 predominate in the area on the north side of Rose Avenue west of the subject property, and north and east of the subject property. Constructing two, new, single-family dwellings would not be consistent with the character of the immediate area. The rezoning will eliminate a zoning inconsistency on the north side of Rose Avenue.
- Standard C:** The proposed amendment will allow development that is compatible with existing uses and zoning of nearby property.
- Comment:** The requested R – 6 zoning is compatible with the R – 6 zoning to the west, north and east. The density of these three existing multi-family developments ranges from 7 to 9 units per acre. If three units are built, the comparable density on the subject property would be approximately 6.3 units per acre. Three units on the subject property will not negatively impact the nearby detached, single-family dwellings.
- 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:** Public sewer is available. Driveway access will have to approved by the township highway commissioner. 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.

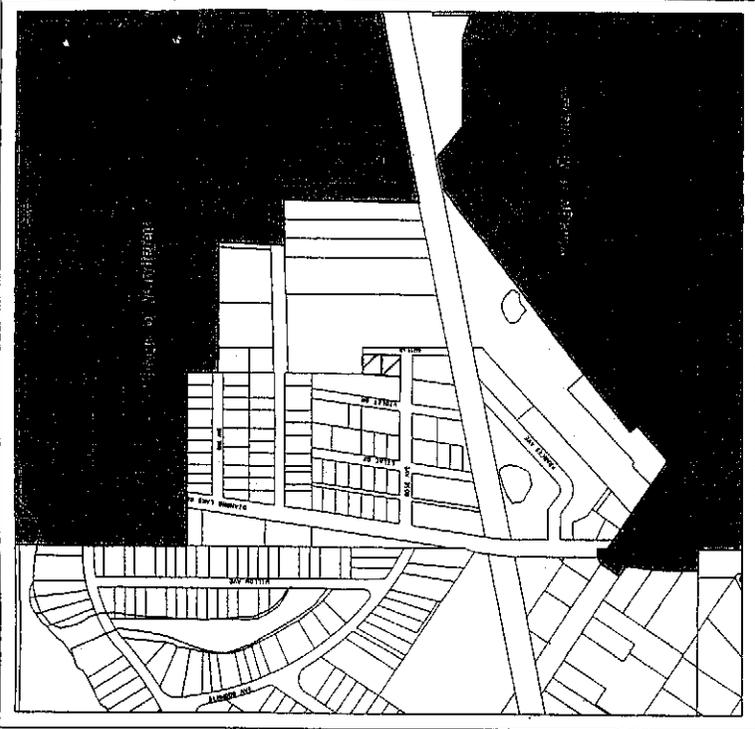
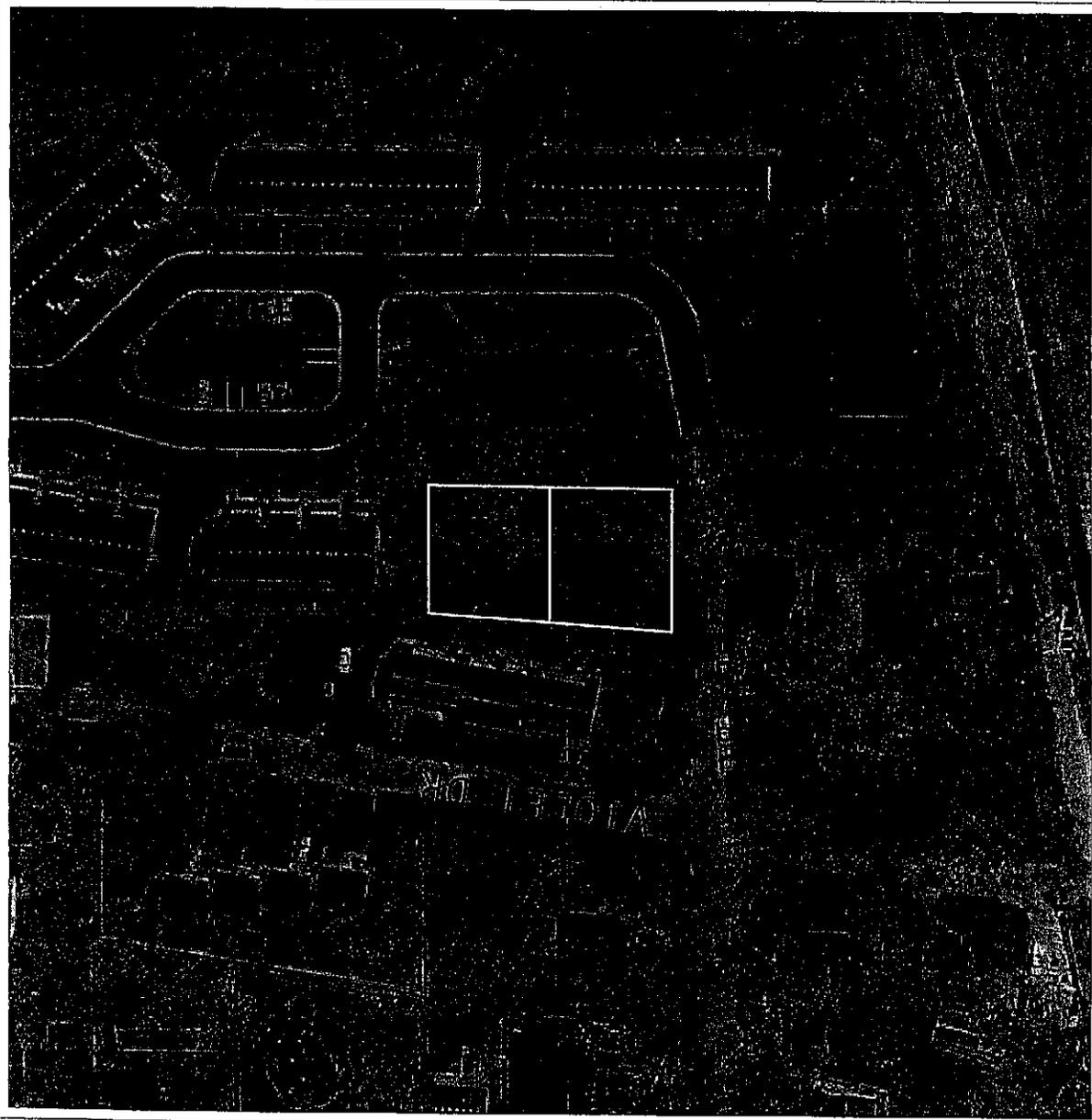
Comment: Compliance with all requirements of the UDO and all applicable permitting agencies will ensure that no significant adverse impacts to other property or the environment will occur.

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

Comment: The property is physically suitable for the types of uses / development allowed in the R – 6 zoning district and, given the surrounding multi-family developments, the property is not well suited for single-family development as allowed by the current R – 4 zoning.



Zoning Board of Appeals
Case# 3682

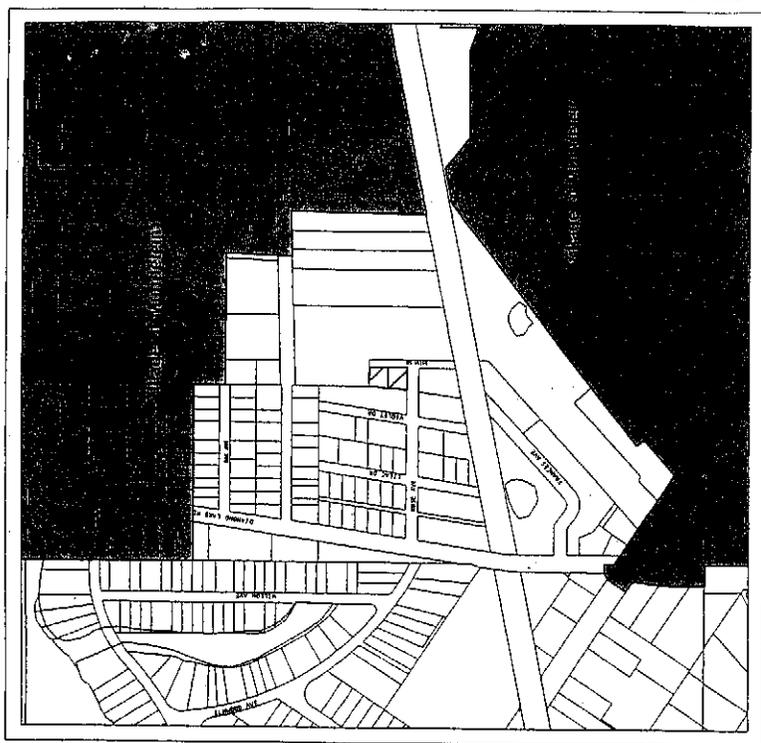


Zoning Board of Appeals Case# 3682

Libertyville Township



-  Incorporated Lake County
-  Subject Parcel



Zoning Board of Appeals Case# 3682

