

Agenda Item #

59

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

STATE OF ILLINOIS)

) SS

No. 3390
Fremont Township

COUNTY OF LAKE)

COUNTY BOARD, LAKE COUNTY, ILLINOIS
April 13, 2004

MADAM CHAIRMAN AND MEMBERS OF THE COUNTY BOARD:

Your Planning, Building and Zoning Committee presents herewith a Resolution on Zoning Case No. 3390, which consists of the Petition of Gerald Jensen, Willard Strom and Robert Crandall relative to a request for rezoning from the Agricultural District to the Residential-1 District. The Department of Planning, Building and Development recommends the petition be granted. On the motion "to deny" 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 A "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

Judy Martini ✓
CHAIRMAN

Camille D. Hedden ✓
VICE-CHAIRMAN

Robert Sabon X

Steph. Carlson X

James M. ... X

James M. ... X

Donna ... 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 Gerald Jensen, Willard Strom and Robert Crandall, relative to a request for rezoning from the Agricultural District to the Residential-1 District for the following real estate, to-wit:

The West 396.46 feet of the South 80 rods of the East 100 rods of the North Half of the South East Quarter of Section 21, Township 44 North, Range 10, East of the Third Principal Meridian, in Lake County, Illinois.

P.I.N.: 10-21-400-010

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 denied; and

WHEREAS, your Planning, Building and Zoning Committee duly considered the petition and reports aforescribed and recommends by a vote of 7-0 that the petition be granted. Motion by Member Newton, second by Member Carter to grant the petition. Voting "Aye" Members Martini, Newton, Sabouryan, Carlson, Whitman, Mountair, Carter

Voting "Nay," Members None

NOW, THEREFORE, BE IT RESOLVED by the Lake County Board, that the prayer of the Petitioner be granted and that the above described real estate shall be rezoned from the Agricultural District to the Residential-1 District; 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

April 13, 2004

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 February 23, 2004, at 1:00 p.m., in the Fremont Township Hall, Mundelein, Illinois, relative to the petition Gerald Jensen, Willard Strom and Robert Crandall requesting rezoning from the Agricultural District to the Residential-1 District of the following described real estate, to-wit:

The West 396.46 feet of the South 80 rods of the East 100 rods of the North Half of the South East Quarter of Section 21, Township 44 North, Range 10, East of the Third Principal Meridian, in Lake County, Illinois.

P.I.N.: 10-21-400-010

The proceedings of this hearing 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, to-wit:

The Illinois Department of Natural Resources;
The Health Department;
The Division of Transportation;
The Building and Code Enforcement Division; and
The Department of Planning, Building and Development.

In making its recommendation, the Zoning Board 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) Standards provided in Section 3.3 of the Unified Development Ordinance

At the Review Meeting of the Lake County Zoning Board of Appeals held on March 5, 2004, after a final review of all evidence and testimony presented, Member Morgan moved, with a second by Member Freese to recommend the prayer of the petitioner for rezoning from the Agricultural District to the Residential-1 District be denied. Voting "Aye" on this motion were Members Freese, Van Erden, Helke, Morgan, Stimpson, Zingle and Wilson. Voting "Nay, none. The motion to recommend this petition be denied was passed by a vote of 7 - 0.

The Board finds that the request for rezoning does not meet the standards for map amendments contained in Section 3.3 for rezoning from the Agricultural District to the Residential-1 District in the following manner:

Standard A. The proposed amendment is consistent with the stated purpose and intent of the Unified Development Ordinance.

Finding: The proposed rezoning does not comply with the County's comprehensive plan that identifies the subject property as "Countryside". This district is not intended for development and is not needed to accommodate growth at this time.

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

Finding: The County's comprehensive plan designation of the subject property has remained unchanged since the plan's original adoption in 1982. In addition, there has been no significant new development in the area since the Ivanhoe P.U.D. was approved in 1988 and 1991.

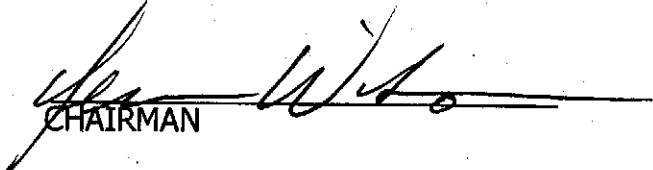
Standard C. The proposed amendment will allow development that is compatible with existing uses and zoning of nearby property;

Finding: Although the property abuts the Ivanhoe Club development which is zoned R-1, this common boundary amounts to only 2% of the periphery of the subject property and the entire remainder of the periphery is zoned AG. Further, the Ivanhoe Club is a Planned Development with a Conditional Use Permit in the R-1 District.

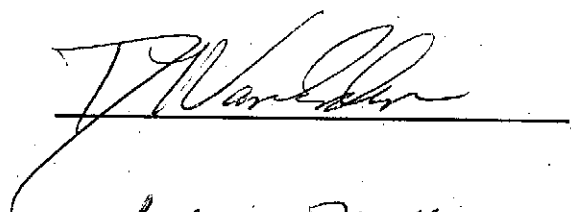
Standard F. The subject property is suitable for proposed zoning classification.


Finding: The subject property is poorly suited for development in the R-1 District as it lacks sufficient frontage on Route 176 to permit its subdivision into more than three lots.

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.

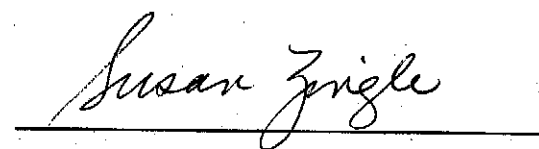

CHAIRMAN

VICE-CHAIRMAN




Gloria N. Kelka




Susan Ziegler

Dated this 22nd day of March, 2004.

Summary of Testimony

Zoning Case #3390

A public hearing was conducted by the Lake County Zoning Board of Appeals on February 23, 2004 on the application of Gerald Jensen, Willard Strom and Robert Crandall which seeks rezoning from the Agricultural zone to the Residential-1 zone. The subject property contains 12 acres and is located at 22252 W. Highway 176, Mundelein, IL. The following is a summary of the testimony presented.

1. Mr. Willard Strom, contract purchaser and applicant, testified that he wishes to divide the subject property into seven single-family lots. However, after a thorough site capacity study is completed, only six lots may be possible due to floodplain, wetland and woodland preservation restrictions. All homes will be at least 3200 sq. ft. in size, served by private well and septic systems and valued at over \$600,000. He intends to build his own house on one lot.
2. Mr. Strom further testified that the parcel is adjacent to the Ivanhoe PUD that is also zoned R-1 and is near the Steeplechase and Countryside Glen subdivisions of one-acre lots. He noted that new commercial development is proposed at the intersections of Gilmer and Hawley streets and at Routes 176 and 60. Also, the Forest Preserve District has recently acquired additional property in this area.
3. In his opinion the property is unsuitable for agricultural use as presently zoned due to the rough terrain and other environmental restrictions and that the proposed development would increase the value of adjoining properties. He noted that the property has only about 48 ft. of frontage on Route 176 and an additional 18 ft. must be acquired in order to subdivide it and construct a road to serve this subdivision. The owner of the adjoining property has indicated his willingness to sell a small triangle of his property to provide this additional frontage but Mr. Strom has not actively pursued the purchase pending the requested rezoning. He has also had preliminary discussions with IDOT and stated they might require a turn lane on Route 176.
4. Mr. Strom also stated that should the rezoning not be granted or the additional frontage not be available, his alternate plan is to divide the property into 2 lots as permitted by the current zoning and construct 2 houses, each with a private stable, pastures and corrals. However, this would require the removal of much of the existing woodlands.

5. Mr. Chick Martin, a developer of the Ivanhoe subdivision, testified it is his opinion that the additional stormwater runoff that would result from this development would worsen the flooding problems currently experienced by three adjacent homes in the Ivanhoe Club subdivision. It is also his opinion that the proposed subdivision is not in keeping with the estate character of the area. He also noted that this subdivision would take access onto Route 176 on a curve that is already dangerous to traffic.
6. Mr. Scott Sykora, owner of the east adjoining property, testified he was concerned that this proposed development would cause flooding on his property. He noted that the ditch on Route 176 currently drains through a pipe running through the subject property. He also stated his concern over traffic safety. Mr. Ivan Kostic, a nearby resident, stated his agreement with both Mr. Martin and Mr. Sykora.
7. Mr. John Heinzinger, nearby resident, stated that in his opinion the rezoning of this property would be premature until such time as a thorough study of the potential environmental and traffic access problems has been completed.

**Summary of Department and Agency Comments
Zoning Case #3390**

Illinois Department of Natural Resources:

A natural resource review has been conducted and no threatened or endangered species are known to exist within the vicinity of the property.

Lake County Health Department:

This Department has no objections to the rezoning request.

Lake County Division of Transportation:

This Department has no comments on this request.

Lake County Department of Planning, Building and Development:

This Department recommends the rezoning be granted as it meets at least five of the six standards of the UDO. Specifically, the proposal is consistent with the use and zoning of adjoining properties, the character of the neighborhood and will have no significant adverse impact on the environment or the public interests. However, the proposal does not correct a zoning error or meet the challenge of some changing condition in the area.



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

February 9, 2004

TO: Dennis Wilson, Chairman
Lake County Zoning Board of Appeals

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

CASE NO: 3390

REQUESTED ACTION: Rezoning from Agricultural (AG) to Residential (R-1). It is the applicant's desire to divide the subject property into seven single-family lots of at least 40,000 sq.ft. each.

ZBA HEARING DATE: February 23, 2004

GENERAL INFORMATION

OWNER(s)/PETITIONER: Gerald Jensen, record owner, and Willard Strom and Robert Crandall, contract purchasers.

OF PARCELS: 1 (one)

SIZE: Approximately 12 acres

LOCATION: The subject property is located at 22252 W. Highway 176, Mundelein.

EXISTING ZONING: Agricultural (AG)

PROPOSED ZONING: Residential (R-1)

EXISTING LAND USE: Vacant with an abandoned single-family structure.

**PROPOSED
LAND USE:**

Single-family residential subdivision containing lots not less than 40,000 square feet.

SURROUNDING ZONING/LAND USE

NORTHEAST: Residential-1 (R-1)/Planned Unit Development, single-family dwellings and golf course

NORTH, SOUTH & WEST: Agricultural (AG)/single-family dwelling, landscape storage area and unincorporated agricultural properties

EAST: Agricultural (AG)/single-family dwellings

COMPREHENSIVE PLANS

LAKE COUNTY: Countryside

MUNICIPALITIES WITHIN 1 ½ MILES:

Village of Hawthorn Woods: not designated

Village of Mundelein: estates single-family residential and parks

DETAILS OF REQUEST

ACCESS: The subject parcel has direct access to State Route 176.

PHYSICAL CHARACTERISTICS: The subject property is vacant (with an abandoned single-family structure) and contains wetlands, floodplains and a mixture of mature and young woodlands.

**WETLAND/
FLOODPLAIN:** According to the Lake County Wetland Inventory Maps, the subject property contains mapped wetland areas on the northern portion of the property. FEMA maps indicate a floodplain on the northern portion of the subject property as well.

**SEWER
AND WATER:** Private septic systems and wells would be utilized.

ADDITIONAL COMMENT

The applicants have submitted a concept plan of the "Victoria Homes Subdivision" which indicates seven lots being created. However, no natural resource plan or site capacity calculations have been performed. Therefore, staff can not confirm how many lots could be permitted if the rezoning is approved.

RECOMMENDATION

Staff recommends the petitioners' request to rezone the 12 acres of the subject property from Agricultural (AG) to Residential-1 (R-1) be granted as it meets at least five of the six "Map Amendment Approval Criteria" stated in the Unified Development Ordinance in the following manner:

Standard A: The proposed amendment is consistent with the stated purposes and intents of the UDO (Sec. 1.5);

Comment: One of the fundamental purposes of zoning is to allow new development which is compatible with the uses and zoning of surrounding property. In this case, the subject property abuts single-family dwellings to the east and a single-family residential subdivision zoned R-1 to the northeast. The applicants desire to subdivide seven lots from the 12-acre parcel. This density is compatible with the surrounding zoning and land uses the east and northeast.

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

Comment: As previously stated, the density allowed by R-1 zoning would be compatible with the existing uses of property to the east and northeast.

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 property will be served by private septic systems and wells. The petitioners are required to obtain an access permit from the Illinois Department of Transportation of access onto State Route 176.

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; and

Comment: The subdivision of the subject property under the proposed R-1 zoning must meet all applicable regulations including those governing natural resource protection, lot density standards and requirements for construction of public improvements. These regulations are sufficient to assure that no significant adverse impacts to the environment or adjacent properties will result.

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

Comment: While it is still necessary to complete the subdivision review process by staff, the subject property appears suitable for development under the Residential-1 zoning classification.

However, it is staff's opinion that the following Standard is not met:

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

Comment: The County's comprehensive plan designation of the subject property has remained unchanged since the plan's original adoption in 1982. In addition, there has been no significant new development in the area since the Ivanhoe P.U.D. was approved in 1988 and 1991.



**Zoning Board of Appeals
Case# 3390**