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Agenda Item # \_\_\_\_\_

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

STATE OF ILLINOIS )  
 ) SS  
COUNTY OF LAKE )

No. 3500  
Antioch Township

COUNTY BOARD, LAKE COUNTY, ILLINOIS  
September 13, 2005

MADAM CHAIRMAN AND MEMBERS OF THE COUNTY BOARD:

Your Planning, Building and Zoning Committee presents herewith a Resolution on Zoning Case No. 3500, which consists of the Petition of State Bank of the Lakes, T/U/T 99-122 and G & M Development Company, relative to a request for rezoning from the Recreational Commercial District to the Residential-2 District. The Department of Planning, Building and Development recommends the petition be granted. On the motion to "to approve" the prayer of the petitioner, the Zoning Board of Appeals vote is 7 "Ayes" and 0 "Nays"; the Planning, Building and Zoning Committee vote is 6 "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
<u>Linda Martini</u> CHAIRMAN	✓	—
<u>Samuel D. [Signature]</u> VICE-CHAIRMAN	✓	—
<u>Queen L. [Signature]</u>	✓	—
<u>Robert Salonyan</u>	✓	—
<u>[Signature]</u>	✓	—
<u>[Signature]</u>	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 State Bank of the Lakes, T/U/T #99-122 and G & M Development Company, relative to a request for rezoning from the Recreational Commercial District to the Residential-2 District for the following real estate, to-wit:

THAT PART OF THE SUBDIVISION (LATER REFERENCED AS LEE'S SUBDIVISION IN SUBSEQUENT DOCUMENTS) OF PART OF SECTIONS 11 AND 12, TOWNSHIP 46 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED APRIL 18, 1900 AS DOCUMENT NUMBER 77857 IN BOOK "E" OF PLATS, PAGE 27, AND IN LAKE COUNTY, ILLINOIS, AND ALSO PART OF SMITH'S SECOND SUBDIVISION, A SUBDIVISION OF PART OF THE SOUTHEAST QUARTER OF THE SOUTHEAST 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 NUMBER 152537 IN BOOK 'I' OF PLATS PAGE 91, IN LAKE COUNTY, ILLINOIS, DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF LOT 'B' IN BLOCK 1 OF SAID SMITH'S SECOND SUBDIVISION, THENCE SOUTH 00 DEGREES 18 MINUTES 48 SECONDS EAST, 103.40 FEET; THENCE NORTH 56 DEGREES 11 MINUTES 10 SECONDS WEST, 104.09 FEET TO A POINT ON A 40.00 FOOT RADIUS CURVE, THE CENTER OF CIRCLE OF SAID CURVE BEARS NORTH 82 DEGREES 10 MINUTES 19 SECONDS WEST FROM SAID POINT; THENCE NORTHERLY AND WESTERLY ALONG SAID CURVE 60.46 FEET (CENTRAL ANGLE 86 DEGREES 36 MINUTES 32 SECONDS); THENCE NORTH 0 DEGREES 05 MINUTES 44 SECONDS WEST, 235.21 FEET MORE OR LESS TO THE SHORE LINE OF CHANNEL LAKE; THENCE SOUTH 87 DEGREES 31 MINUTES 56 SECONDS EAST, ALONG SAID SHORELINE, 108.15 FEET TO THE NORTHERLY EXTENSION OF LOT 2 IN SAID LEE'S SUBDIVISION; THENCE SOUTH 0 DEGREES 0 MINUTES 38 SECONDS EAST, 229.77 FEET TO THE NORTH LINE OF SAID LOT B; THENCE NORTH 89 DEGREES 59 MINUTES 22 SECONDS EAST, 10.07 FEET TO THE POINT OF BEGINNING, ALL IN LAKE COUNTY, ILLINOIS.

AND

THAT PART BLOCK 1 OF SMITH'S SECOND SUBDIVISION, A SUBDIVISION OF PART OF THE SOUTHEAST QUARTER OF THE SOUTHEAST 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 NUMBER 152537 IN BOOK 'I' OF PLATS PAGE 91, IN LAKE COUNTY, ILLINOIS, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF LOT 'B' IN BLOCK 1 OF SAID SMITH'S SECOND SUBDIVISION, THENCE SOUTH 00 DEGREES 18 MINUTES 48 SECONDS EAST, 103.40 FEET TO THE POINT OF BEGINNING; THENCE NORTH 56 DEGREES 11 MINUTES 10 SECONDS WEST, 104.09 FEET TO A POINT ON A 40.00 FOOT RADIUS CURVE, THE CENTER OF CIRCLE OF SAID CURVE BEARS NORTH 82 DEGREES 10 MINUTES 19 SECONDS WEST FROM SAID POINT; THENCE SOUTHERLY AND WESTERLY ALONG SAID CURVE 66.86 FEET (CENTRAL ANGLE 95 DEGREES 46 MINUTES 12 SECONDS) TO A POINT OF REVERSE CURVATURE; THENCE ALONG A 30.00 FOOT RADIUS CURVE, CONCAVE TO THE SOUTH, CENTRAL ANGLE 44 DEGREES 24 MINUTES 55 SECONDS, 23.26 FEET; THENCE SOUTH 59 DEGREES 10 MINUTES 57 SECONDS WEST, 3.17 FEET; THENCE SOUTH 0 DEGREES 05 MINUTES 44 SECONDS EAST, ALONG THE WEST LINE OF SAID LOT B, 194.78 FEET; THENCE NORTH 89 DEGREES 14 MINUTES 46 SECONDS EAST, 161.41 FEET TO THE EAST UNE OF SAID LOT B; THENCE NORTH 0 DEGREES 18 MINUTES 48 SECONDS WEST, 138.28 FEET TO THE POINT OF BEGINNING, ALL IN LAKE COUNTY, ILLINOIS.

AND

THE WEST 92.5 FEET OF LOT 2. IN (LEE'S) A SUBDIVISION OF PART OF SECTIONS 11 AND 12, TOWNSHIP 46 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED APRIL 18, 1900 AS DOCUMENT NUMBER 77857 IN BOOK "E" OF PLATS, PAGE 27, IN LAKE COUNTY, ILLINOIS, AND ALSO THAT PART OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 11, TOWNSHIP 46 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF LOT 2 IN THE SUBDIVISION OF PART OF SECTIONS 11 AND 12, TOWNSHIP 46 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED APRIL 18, 1900 AS DOCUMENT NUMBER 77857 IN BOOK "E" OF PLATS, PAGE 27, IN LAKE COUNTY, ILLINOIS; THENCE NORTH ON THE NORTHERLY EXTENSION OF THE WEST UNE OF SAID LOT 2, TO THE WATER'S EDGE OF CHANNEL LAKE; THENCE EASTERLY ALONG SAID WATER'S EDGE TO THE NORTHERLY

EXTENSION OF THE WEST 92.5 FEET OF SAID LOT 2; THENCE SOUTH ALONG SAID NORTHERLY EXTENSION, TO THE NORTH LINE OF SAID LOT 2; THENCE WESTERLY ALONG SAID NORTH LINE TO THE POINT OF BEGINNING.

ALSO

THAT PART OF LOT "D" IN SMITH'S SECOND SUBDIVISION, BEING A SUBDIVISION OF PART OF THE SOUTHEAST QUARTER OF THE SOUTHEAST 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 NUMBER 152537 IN BOOK "1" OF PLATS PAGE 91, IN LAKE COUNTY, ILLINOIS, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT "D"; THENCE NORTH 89 DEGREES 59 MINUTES 22 SECONDS EAST, 73.69 FEET, ALONG THE NORTH LINE OF SAID LOT "D"; THENCE SOUTH 59 DEGREES 10 MINUTES 57 SECONDS WEST, 85.72 FEET TO THE WEST LINE OF SAID LOT "D"; THENCE NORTH 00 DEGREES 05 MINUTES 44 SECONDS WEST, 43.90 FEET TO THE POINT OF BEGINNING, ALL IN LAKE COUNTY, ILLINOIS.

PIN: 01-11-406-036, 01-11-406-035 AND 01-11-407-029

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 by Member Leafblad, second by Member Newton, to grant the petition. Voting "Aye," Members Gravenhorst, Leafblad, Newton, Sabonjian, Whitmore and Martini. Voting "Nay," 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 Recreational Commercial District to the Residential-2 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

September 13, 2005

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 August 15, 2005, at 1:30 p.m., in the Antioch Township Hall, Lake Villa, Illinois, relative to the petition of State Bank of the Lakes, T/U/T 99-122 and G & M Development Company requesting rezoning from the Recreational Commercial District to the Residential-2 District of the following described real estate, to-wit:

THAT PART OF THE SUBDIVISION (LATER REFERENCED AS LEE'S SUBDIVISION IN SUBSEQUENT DOCUMENTS) OF PART OF SECTIONS 11 AND 12, TOWNSHIP 46 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED APRIL 18, 1900 AS DOCUMENT NUMBER 77857 IN BOOK "E" OF PLATS, PAGE 27, AND IN LAKE COUNTY, ILLINOIS, AND ALSO PART OF SMITH'S SECOND SUBDIVISION, A SUBDIVISION OF PART OF THE SOUTHEAST QUARTER OF THE SOUTHEAST 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 NUMBER 152537 IN BOOK 'I' OF PLATS PAGE 91, IN LAKE COUNTY, ILLINOIS, DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF LOT 'B' IN BLOCK 1 OF SAID SMITH'S SECOND SUBDIVISION, THENCE SOUTH 00 DEGREES 18 MINUTES 48 SECONDS EAST, 103.40 FEET; THENCE NORTH 56 DEGREES 11 MINUTES 10 SECONDS WEST, 104.09 FEET TO A POINT ON A 40.00 FOOT RADIUS CURVE, THE CENTER OF CIRCLE OF SAID CURVE BEARS NORTH 82 DEGREES 10 MINUTES 19 SECONDS WEST FROM SAID POINT; THENCE NORTHERLY AND WESTERLY ALONG SAID CURVE 60.46 FEET (CENTRAL ANGLE 86 DEGREES 36 MINUTES 32 SECONDS); THENCE NORTH 0 DEGREES 05 MINUTES 44 SECONDS WEST, 235.21 FEET MORE OR LESS TO THE SHORE LINE OF CHANNEL LAKE; THENCE SOUTH 87 DEGREES 31 MINUTES 56 SECONDS EAST, ALONG SAID SHORELINE, 108.15 FEET TO THE NORTHERLY EXTENSION OF LOT 2 IN SAID LEE'S SUBDIVISION; THENCE SOUTH 0 DEGREES 0 MINUTES 38 SECONDS EAST, 229.77 FEET TO THE NORTH LINE OF SAID LOT B; THENCE NORTH 89 DEGREES 59 MINUTES 22 SECONDS EAST, 10.07 FEET TO THE POINT OF BEGINNING, ALL IN LAKE COUNTY, ILLINOIS.

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PIN: 01-11-406-036, 01-11-406-035 AND 01-11-407-029

The proceedings of this 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, to-wit:

The Health Department;  
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 close of the hearing of the Lake County Zoning Board of Appeals held on August 15, 2005, after a final review of all evidence and testimony presented, Member Koeppen moved, with a second by Member Stimpson, to recommend the prayer of the petitioner for rezoning from the Recreational Commercial District to the Residential-2 District be granted. Voting "Aye" on this motion were Members Bell, Freese, Koeppen, Morgan, Stimpson, Van Erden and Wilson. Voting "Nay", none. The motion to recommend this 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 contained in Section 3.3 for rezoning from the Recreational Commercial District to the Residential-2 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 zoning and use of the subject property are compatible with the existing uses and lot sizes of surrounding and nearby properties and are therefore consistent with the intent of the Ordinance to permit orderly growth in conformance with the Framework Plan.

The proposed amendment is also consistent with the purpose and intent of the Ordinance in that it will allow three single-family residences to be built on three lots in an area that is predominately residential.

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

Finding: The predominate zoning in the area is R-1. Because of this, rezoning to a residential zoning district would correct an inconsistency, and residential zoning and use would be appropriate for the subject property.

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

Finding: Most of the R-1 zoned parcels in the vicinity of the subject property are less than 20,000 square feet, which is the minimum lot area for the R-2 zoning district. The proposed amendment would allow development that is compatible with existing uses and lot sizes. Conversely, retaining the Recreational Commercial zoning of the subject property could permit much more intensive, commercial uses which would be far less compatible with the surrounding neighborhood.

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 systems and wells which must comply with all applicable regulations of the Lake County Health Department. The property also has direct access to West Spring Grove Road.

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

Finding: The proposed rezoning will not result in any significant adverse impacts on neighboring properties or the environment. Conversely, uses allowed under the current Recreational Commercial zoning could have substantial adverse impacts upon the use, enjoyment and value of nearby residential properties.

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

Finding: The subject property is suitable for the proposed zoning and, with the approved lot size variation (ZBA #3501), will allow residential uses on parcels comparable in size to the surrounding nonconforming R-1 zoned properties.

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.



Philip J. Rovang  
Director

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Waukegan, Illinois 60085  
Phone 847 377 2875  
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**MEMORANDUM**

August 5, 2005

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

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

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CASE NO: 3500 Rezoning

REQUESTED ACTION: Rezoning from the Recreational Commercial to the Residential 2 zone. (The rezoning is accompanied by a request for two variations: ZBA # 3501.) It is the applicants' desire to resubdivide the property and construct two additional single-family residences.

HEARING DATE: August 15, 2005

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**GENERAL INFORMATION**

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OWNERS: State Bank of the Lakes, T/U/T #99-122 and G&M Development Co., record owners

# OF PARCELS: Three

SIZE: Approximately 1.63 acres

ADDRESS: 26044 W. Spring Grove Rd., Antioch

EXISTING ZONING: Recreational Commercial (RC)

PROPOSED ZONING: Residential 2 ( R - 2 )

EXISTING LAND USE: The subject property currently has one single-family residence (PIN 01-11-406-036)

PROPOSED LAND USE: Two additional single-family residences

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### SURROUNDING ZONING / LAND USE

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NORTH: Channel Lake

SOUTH: Recreational Commercial / Vacant; R - 1 / Single-family houses and vacant lots

EAST: R - 1 / Single-family houses and vacant lots

WEST: R - 1 / Single-family houses and vacant lots  
Recreational Commercial / Parrot's Cove RV park and marina

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### COMPREHENSIVE PLANS

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LAKE COUNTY: Retail / Commercial

MUNICIPALITIES WITHIN 1 ½ MILES: Village of Antioch / Not designated

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### DETAILS OF REQUEST

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ACCESS: The subject property has access via W. Spring Grove Road

SOIL TYPES: 194D - Morley silt loam, 7 to 12 percent slopes  
981B - Wauconda and Frankfort silt loams, 2 to 4 percent slopes

FLOODPLAIN / WETLANDS: The Engineering & Environmental Services Division is analyzing the available topographic information regarding floodplains on the subject property. The northern tips of parcels 01-11-406-035 and -036 are shown as having wetlands.

SEWER AND WATER: The site will be served by private septic systems and wells.

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## ADDITIONAL COMMENT

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The site plan submitted with the application shows that the portion of Spring Grove Road east of the cul-de-sac has been vacated. This is an error: Spring Grove Road east of the cul-de-sac has not been vacated but could be vacated in a plat of resubdivision.

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## RECOMMENDATION

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Staff recommends that the petitioners' request to rezone the subject property from Recreational Commercial (RC) to Residential 2 (R - 2) be granted.

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

**Comment:** The purpose of the Unified Development Ordinance is to protect the health, safety, and general welfare of existing and future residents of the unincorporated area of Lake County by implementing the policies and proposals of the *Framework Plan*, amongst other factors. Although the proposed zoning and use are inconsistent with the Future Land Use Map, they are compatible with the existing uses of surrounding and nearby properties. Therefore, the Division of Planning and Support Services has concluded that the proposed rezoning is consistent with the intent of the Ordinance to permit orderly growth in conformance with the *Framework Plan*.

The subject property consists of three lots at the present time, one of which contains a single-family residence. The rezoning, if approved, will enable two additional single-family houses to be constructed. The proposed amendment is consistent with the purpose and intent of the Ordinance in that it will allow three single-family residences to be built on three lots in an area that is predominately residential.

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

**Comment:** The predominate zoning in the area is R - 1, but there is also a significant amount of Recreational Commercial zoned property, including the subject property. Because most of the surrounding property is zoned residential, it could be argued that a rezoning to a residential zoning district would correct an inconsistency, and residential zoning and use would be appropriate for the subject property.

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

**Comment:** Most of the R - 1 zoned parcels in the vicinity of the subject property are less than 20,000 square feet, which is the minimum lot area for the R - 2 zoning district. The proposed amendment would allow development that is compatible with existing uses.

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.

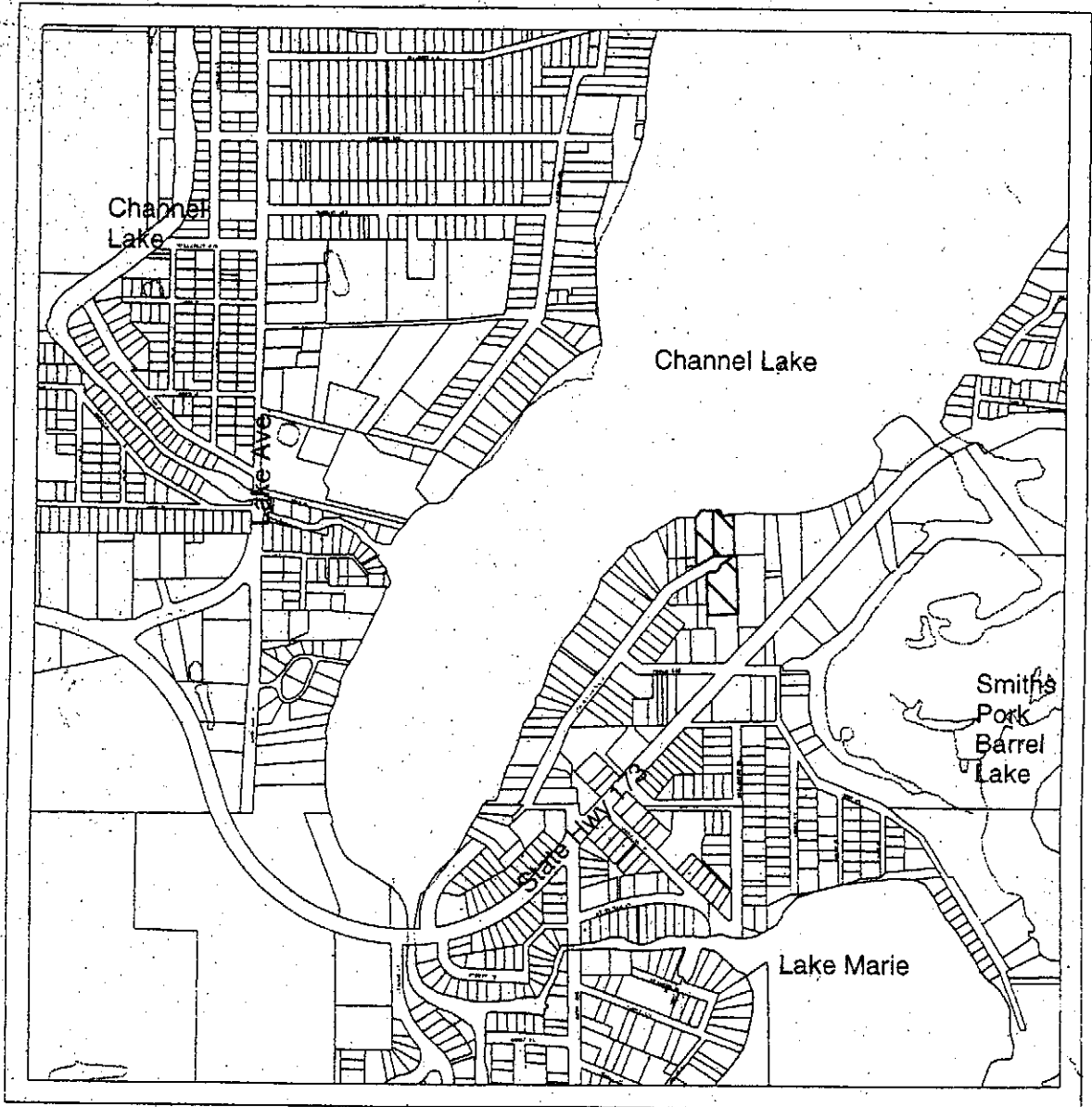
Comment: The subject property will be served by private septic systems and wells and has direct access onto West Spring Grove Road.

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 proposed amendment, if approved, will not result in any significant adverse impacts. Development of two additional single-family residences, as desired by the applicants, or any other use permitted in the R – 2 zoning district, will have to conform with all County regulations which will ensure there will not be any significant adverse impacts. Permits from the Health Department will have to be obtained for the private septic systems and wells that will be utilized for the new single-family residences.

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

Comment: The subject property is suitable for the proposed zoning classification. The three conforming R – 2 lots that will be created on the subject property through resubdivision will be comparable in size to the nonconforming R – 1 lots in the surrounding area. UDO 9.6.1.A. requires a community sewer system to be utilized in the R – 2 zone, and UDO 9.6.1.B. allows individual sewage disposal systems to only be used on newly created lots when they have a minimum of 40,000 square feet. The applicants have applied for variations to waive these two requirements (ZBA # 3501).



**Zoning Board of Appeals  
Case# 3500 & 3501**