

Agenda Item # 33

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

STATE OF ILLINOIS )  
 )  
 ) SS  
COUNTY OF LAKE )

No. 3590  
Libertyville Township

COUNTY BOARD, LAKE COUNTY, ILLINOIS

October 10, 2006

MADAM CHAIRMAN AND MEMBERS OF THE COUNTY BOARD:

Your Planning, Building and Zoning Committee presents herewith a Resolution on Zoning Case No. 3590, which consists of the Petition of the Lake County Board relative to a request for rezoning from the Open Space to the Estate zone. The Department of Planning, Building and Development recommends the petition be granted. On the motion "to approve" the prayer of the petitioner, the Zoning Board of Appeals vote is 6 "Ayes" and 0 "Nays"; 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,

Aye Nay

<u>Lucretia Martini</u>	✓	_____
CHAIRPERSON		
<u>Samuel D. Ueber</u>	✓	_____
VICE-CHAIRPERSON		
<u>Jesse G. Brewster</u>	✓	_____
<u>Robert Savory</u>	○	_____
<u>Randy Whitman</u>	✓	_____
<u>Sharon M. Hunter</u>	X	_____
<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 the Lake County Board relative to a request for rezoning from the Open Space to the Estate zone for the following real estate, to-wit:

THE NORTH 1/2 OF THE EAST 1/2 OF THE EAST 10 CHAINS OF THE SOUTH 1/2 OF THE SOUTHWEST 1/4 OF SECTION 3, TOWNSHIP 44 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN LAKE COUNTY, ILLINOIS.

PIN: 11-03-300-016

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 7 to 0 that the petition be granted. Motion made by Member Leafblad, with a second by Member Whitmore to grant the petition. Voting "Aye," were Members Gravenhorst, Leafblad, Mountsier, 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 Open Space to the Estate zone, 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 )

COUNTY OF LAKE )

COUNTY BOARD, LAKE COUNTY, ILLINOIS

October 10, 2006

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 22, 2006, at 1:00 p.m., in the Lake County Division of Transportation, 600 W. Winchester Road, Libertyville, Illinois, relative to the petition of the Lake County Board requesting rezoning from the Open Space to the Estate zone for the following described real estate, to-wit:

THE NORTH 1/2 OF THE EAST 1/2 OF THE EAST 10 CHAINS OF THE SOUTH 1/2 OF THE SOUTHWEST 1/4 OF SECTION 3, TOWNSHIP 44 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN LAKE COUNTY, ILLINOIS.

PIN: 11-03-300-016

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:

The 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 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 August 22, 2006, after a final review of all evidence and testimony presented, Member Freese moved, with a second by Member Raymond, to recommend the prayer of the petitioner for rezoning from the Open Space to the Estate zone be granted. Voting "Aye" on this motion were Members Bell, Freese, Koeppen, Morgan, Raymond and Westerman. 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 contained in Section 3.3 in the following manner:

**Standard A.** The proposed amendment is consistent with the stated purpose and intents of the Unified Development Ordinance (Sec. 1.5).

**Finding:** The Open Space zoning district is intended for lands that support public recreation or resource conservation, as designated in the *Framework Plan* (UDO 5.14.1). The *Framework Plan* classifies the subject property as Open Space due to the mapping error on the zoning map that apparently took place during the comprehensive rezoning in 2000. It was never the intent of the *Framework Plan* or the UDO to place privately held land in the very restrictive Open Space designation without the express consent of the landowner. The rezoning to correct the apparent mapping error and return the subject property to the Estate zoning district is consistent with the purpose and intent of the UDO.

**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 zoning map of 1988 shows the subject property and other parcels in the vicinity as being in the Estate zoning district. The Estate zoned parcels near the subject property received Estate zoning during the comprehensive rezoning of 2000. The subject property was the only one placed in the Open Space zoning district due to an error that, in all likelihood, was caused by the presence of a conservation easement on a portion of the subject property. The proposed amendment will correct this error.

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

**Finding:** Open Space zoning has rendered the present residential use of this property nonconforming and effectively prevents future reasonable private use. Estate zoning will restore the zoning that was in effect prior to 2000 and is fully compatible with the adjacent and nearby Estate zoning and single-family 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.

**Finding:** The property will continue to be served by private septic system and water well.

**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.

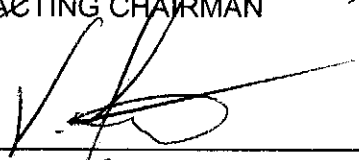
**Finding:** The proposed amendment will not result in significant adverse impacts on other property in the vicinity of the subject property or on the environment.

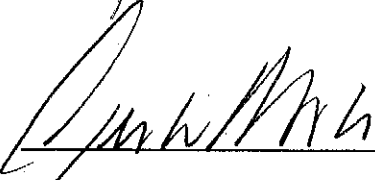
**Standard F.** The subject property is suitable for proposed zoning classification.

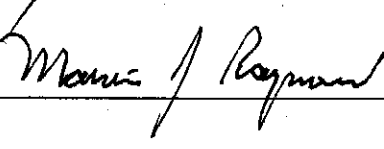
**Finding:** There was no intent to change the zoning of the property in 2000. The property will be conforming with respect to use and lot area and width in the Estate zoning district. The subject property is suitable for the Estate zoning district.

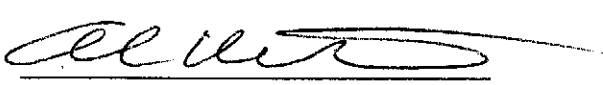
No. 3590  
Libertyville Township

  
ACTING CHAIRMAN

  
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Dated this 6th day of September 2006.

## Summary of Testimony

### Zoning Case #3590

A public hearing was conducted by the Lake County Zoning Board of Appeals on August 22, 2006 on the application of the Lake County Board on behalf of John and Anne E. Brennan, record owners, which seeks rezoning from the Open Space Zoning District to the Estate Zoning District for the purpose of correcting an apparent mapping error that occurred during the County's comprehensive rezoning of 2000. The subject property contains approximately 5.06 acres and is located at 31190 N. Jensen Lane in Libertyville Township. The following is a summary of the testimony presented:

1. Ms. Sheel Yajnik, Lake County Zoning Administrator, presented the case and testified that the public hearing to consider the rezoning of the subject property was authorized by Resolution of the County Board.
  2. Ms. Yajnik testified that the property had been zoned Estate prior to the County's comprehensive rezoning of 2000. She stated the current Open Space zoning was the result of a mapping error. She explained that there is a recorded conservation easement for the majority of the subject property and, because of this easement, the entire parcel had likely been mistakenly placed in the Open Space district.
  3. Ms. Yajnik further testified that since single-family dwellings are not allowed in the Open Space district, the existing house could not be improved or rebuilt. The Open Space zoning thus deprives the owner of all reasonable use of the property.
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## Summary of Department and Agency Comments

### Zoning Case #3590

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

Staff recommends approval. Specifically, the *Framework Plan* classifies the subject property as Open Space due to the mapping error on the zoning map that apparently took place during the comprehensive rezoning in 2000. The rezoning to correct the apparent mapping error and return the subject property to the appropriate zoning district is consistent with the purpose and intent of the UDO. Rezoning to Estate will restore the zoning that was in effect prior to 2000 and is fully compatible with the adjacent and nearby Estate zoning and single-family uses. The rezoning will not have an impact on infrastructure and will not result in significant adverse impacts on other property in the vicinity of the subject property or on the environment.



**Philip J. Rovang**  
Director

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**MEMORANDUM**

August 16, 2006

TO: James Morgan, Acting 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: 3590 Rezoning

REQUESTED ACTION: Rezoning from the Open Space zone to the Estate zone  
and correct mapping error

HEARING DATE: August 22, 2006

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**GENERAL INFORMATION**

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OWNER: John and Anne E. Brennan, Jr.

# OF PARCELS: One

SIZE: Approximately 5.06 acres

LOCATION: 31190 N. Jensen Lane, Libertyville

EXISTING ZONING: Open Space

EXISTING LAND USE: Detached, single-family dwelling and accessory building.

PROPOSED LAND USE: Same as existing.

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**SURROUNDING ZONING / LAND USE**

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NORTH: City of Waukegan : Estate Residence / Farmland, single-family dwellings  
WEST: City of Waukegan : Estate Residence / Farm land; single-family dwellings  
SOUTH: City of Waukegan : Estate Residence / Farm land  
EAST: Estate / Farm homesite with acreage; single-family dwellings

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**COMPREHENSIVE PLANS**

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LAKE COUNTY: Open space

MUNICIPALITIES WITHIN 1½ MILES:

City of Waukegan / Low Density Residential  
Village of Green Oaks / One acre Single – Family Residential

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**DETAILS OF REQUEST**

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ACCESS: Direct access is provided via North Jensen Lane

SOIL TYPES: Predominant soil types are Aptakistic and Nappanee Silt Loams (982B) and Montgomery Silty Clay Loam (465A)

FLOODPLAIN / WETLANDS: According to the County's GIS, the northern half of the subject property is in the floodplain. The northern quarter, approximately, contains wetlands

SEWER AND WATER: Septic system and private well

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## RECOMMENDATION

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Staff recommends that the request to rezone the subject property from Open Space (OS) to Estate (E) be approved. The rezoning will correct the apparent mapping error that occurred during the County's comprehensive rezoning of 2000.

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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 Open Space zoning district is intended for lands that support public recreation or resource conservation, as designated in the *Framework Plan* (UDO 5.14.1). The *Framework Plan* classifies the subject property as Open Space due to the mapping error on the zoning map that apparently took place during the comprehensive rezoning in 2000. It was never the intent of the *Framework Plan* or the UDO to place privately held land in the very restrictive Open Space designation without the express consent of the landowner. The rezoning to correct the apparent mapping error and return the subject property to the appropriate zoning district is consistent with the purpose and intent of the UDO.

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 zoning map of 1988 (see the first attached map) shows the subject property, the two parcels to the east across Jensen Lane, and the three parcels to the south as being in the Estate zoning district. The Estate zoned parcels near the subject property received Estate zoning during the comprehensive rezoning of 2000; the subject property was the only one erroneously placed in the Open Space zoning district (see the second attached map). The proposed amendment will correct this error.

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

Comment: Open Space zoning has rendered the present residential use of this property nonconforming and effectively prevents future reasonable private use. Estate zoning will restore the zoning that was in effect prior to 2000 and is fully compatible with the adjacent and nearby Estate zoning and single-family 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.

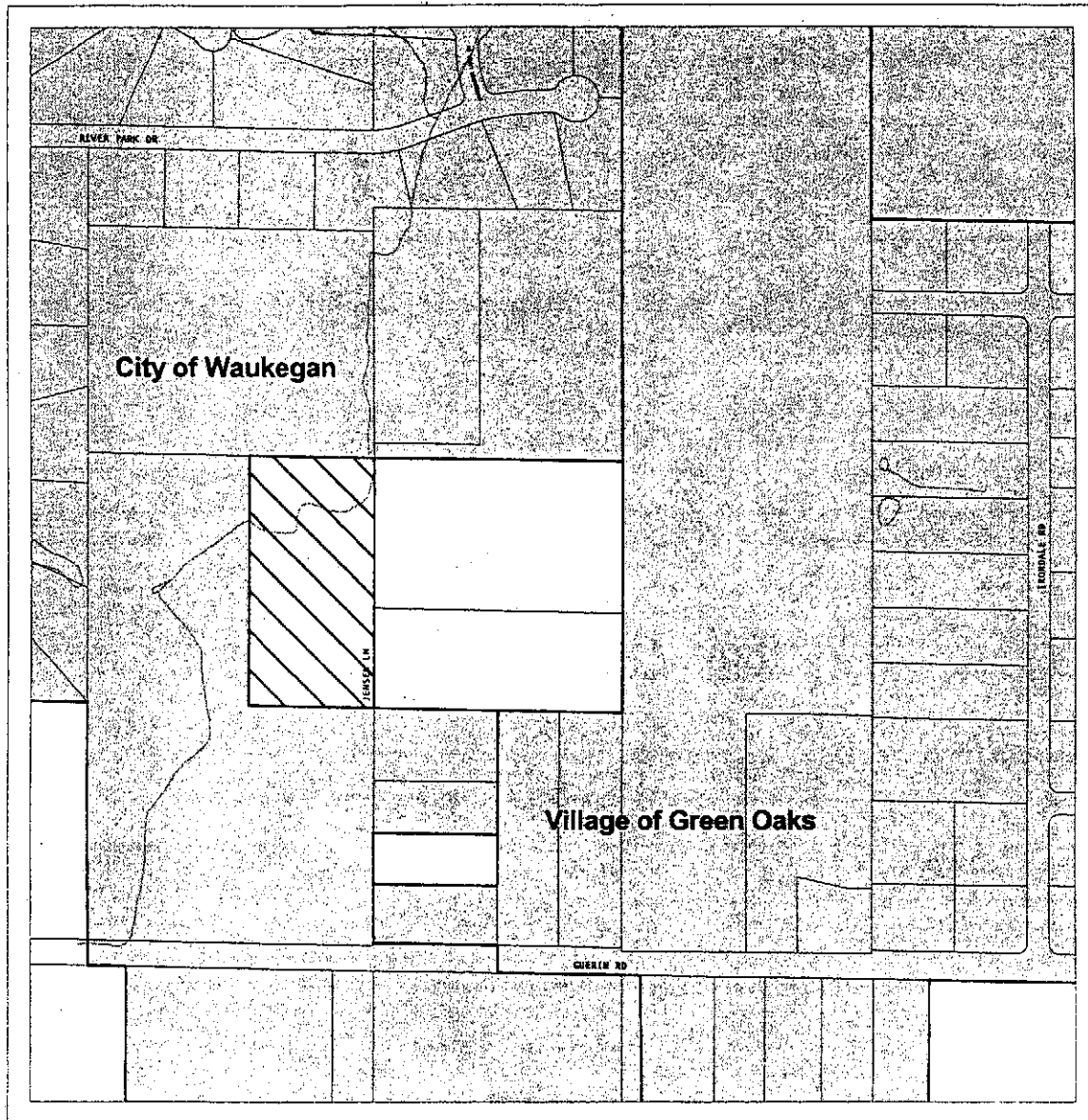
Comment: The property will continue to be served by private septic system and water well.

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 proposed amendment will not result in significant adverse impacts on other property in the vicinity of the subject property or on the environment.

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

Comment: There was no intent to change the zoning of the property in 2000. The property will be conforming with respect to use and lot area and width in the Estate zoning district.



**Zoning Board of Appeals  
Case# 3590**