

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 Parviz Mohagheghpour and Nasrin Azad relative to a request for rezoning from the Estate to the Residential1 zone for the following real estate, to-wit:

Lot 1 (excepting therefrom that part falling South of the Easterly extension of the North line of Lot 2) in Speidel Acres, being a Subdivision in the North West quarter of the South West quarter of the North East quarter of Section 14, Township 43 North, Range 11, East of the 3rd P.M., according to the plat thereof, recorded June 16, 1958, as Document 993243, in Book 1627 of Records, page 343, in Lake County, Illinois.

WHEREAS, your Department of Planning, Building and Development duly considered the aforesaid petition and makes no recommendation; 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 to 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 5 to 0 that the petition be granted. Motion by Member Sabonjian, second by Member Leafblad, to grant the petition. Voting "Aye" Members Gravenhorst, Martini, Leafblad, Sabonjian and Newton; 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 Estate zone to the Residential 1 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)
) SS
COUNTY OF LAKE)

COUNTY BOARD, LAKE COUNTY, ILLINOIS

March 13, 2007

MR. 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 20, 2007, at 1:00 p.m., in the Vernon Area Library, Lincolnshire, Illinois, relative to the petition Parviz Mohagheghpour and Nasrin Azad requesting rezoning from the Estate zone to the Residential 1 zone for the following described real estate, to-wit:

Lot 1 (excepting therefrom that part falling South of the Easterly extension of the North line of Lot 2) in Speidel Acres, being a Subdivision in the North West quarter of the South West quarter of the North East quarter of Section 14, Township 43 North, Range 11, East of the 3rd P.M., according to the plat thereof, recorded June 16, 1958, as Document 993243, in Book 1627 of Records, page 343, in Lake County, Illinois.

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 February 20, 2007, 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 Estate District to the Residential 1 District be granted. Voting "Aye" on this motion were Members Freese, Koeppen, Raymond, Stimpson, Westerman, Van Erden and Morgan. Voting "Nay, none. The motion to recommend this petition be granted was passed by a vote of 7 to 0.

The Board finds that the request for rezoning meets the standards for map amendments contained in Section 3.3 for rezoning from the Estate 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 subject property is shown as Residential Single-family Medium Lot on the County's comprehensive plan. This category calls for lot sizes between 1 and 3 acres. This request is consistent with the Plan and the Ordinance.

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

Finding: The subject property is surrounded by other properties ranging in size from less than 1 acre to more than 2 acres. The area also displays a mix of one and two acre zoning. Other than single family use, there is no consistency of lot sizes or zoning throughout the neighborhood.

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

Finding: Due to the range of lot sizes in the neighborhood as well as abutting the subject property, the rezoning and lot division is compatible with the existing uses and zonings of adjacent 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: The properties can be adequately served by private wells and septic systems.

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 rezoning and proposed development of the subject property will have no significant adverse impacts on other properties or the environment.

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

Finding: The subject property is well suited for the proposed zoning classification.

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.

Summary of Testimony
ZBA #3633

A public hearing was conducted by the Lake County Zoning Board of Appeals on February 20, 2007 on the application of Parviz Mohagheghpour and Nasrin Azad which requests rezoning from the Estate zone to the Residential 1 zone. The subject property is located on the east side of Elm Road approximately 2200 ft. north of IL Route 22 in east central Vernon Township. The following is a summary of the testimony presented:

1. Mr. Mohagheghpour testified the property contains 2.29 acres and is improved with a single family house in which he lives. It is his desire to split the property into two lots. He purchased the property 14 years ago and dividing the property was part of his retirement plan at the time.
2. The applicant also noted that the entire neighborhood is a mix of single family lot sizes ranging from less than half an acre to more than two acres. Similarly, the neighborhood is also a mix of one and two acre zoning. The property will be served by private well and septic and the Health Department has told him a Wisconsin mound system would be acceptable.
3. Ms. Ann Maine, County Board member, stated that the only concern she has heard from residents of the area is drainage. There does not seem to be an issue with the lot sizes.

**Summary of Department Comments
ZBA #3633**

Lake County Health Department:

The Department has no objections to the rezoning.

Lake County Department of Planning, Building and Development:

Due to mix of lot sizes and widths in the neighborhood and the fact that both the existing and requested zonings comply with the County's comprehensive plan, staff offers no recommendation on this request.

Village of Lincolnshire:

The Village Board unanimously voted to provide a Certificate of Approval for both the requested rezoning and subdivision.



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MEMORANDUM

February 14, 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: 3633 Rezoning
REQUESTED ACTION: Rezoning from the Estate to the Residential – 1 zoning district
PUBLIC HEARING DATE: February 20, 2007

GENERAL INFORMATION

PETITIONERS: Parviz Mohagheghpour and Nasrin Azad, record owners
OF PARCELS: One
SIZE: 2.29 acres
LOCATION: 23723 N. Elm Road, Lincolnshire, Vernon twp

EXISTING ZONING: Estate
PROPOSED ZONING: Residential – 1
EXISTING LAND USE: Detached single-family dwelling
PROPOSED LAND USE: Property division to create two one acre lots.
CONFORMING LOT: The subject property is conforming in the Estate 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

NORTH Estate / Single-family dwellings
Village of Lincolnshire: R – 2 (minimum lot size of 40,000 square feet) / Single-family dwellings

NORTHWEST: R – 1 / Single-family dwellings (Valdon Woods Subdivision)

WEST: Estate / Single-family dwellings

EAST: Estate / Single-family dwellings
Village of Lincolnshire: R – 2 (minimum lot size of 40,000 square feet) / Single-family dwellings (Manors of Brampton Woods Subdivision)

SOUTH: Estate / Single-family dwellings (Preserve on Elm Subdivision) ; vacant lot

SOUTHEAST: Village of Lincolnshire: R – 2A (minimum lot size of 20,000 square feet) / Single-family dwellings (Whytegate Sub.)

COMPREHENSIVE PLANS

LAKE COUNTY: Residential Single-family Medium Lot (1 – 3 acres)

MUNICIPALITIES WITHIN 1 ½ MILES: Village of Lincolnshire / Estate Residential

DETAILS OF REQUEST

ACCESS: Access to the existing house is via the unnamed easement on the north side of the property. Access to the second lot, if the rezoning is approved, will probably be from Elm Road.

PHYSICAL CHARACTERISTICS: The property is relatively flat. There are no visible obstacles to the construction of a second, detached single-family dwelling if the rezoning is approved.

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: Private septic and water well

ADDITIONAL COMMENTS

If the rezoning to R – 1 is approved, and if the second lot contains only the minimum 40,000 square feet, the second lot will have to have a minimum width along Elm Road of 144 feet (given the property's depth of 278 feet).

If the rezoning is approved and the property divided, the north yard of the house will change from being the front yard to become a street yard; conversely, the west yard will become the front and the east yard will become the rear rather than a side yard. Although no survey showing the location of the existing house has been provided, it appears the house will remain a conforming structure.

The parcels closest to the subject property in all directions are zoned Estate and all are nonconforming: The two parcels to the north across the unnamed easement do not have the minimum lot area of 80,000 square feet; the two parcels to the east do not have the minimum width of 190 feet; the two parcels on the south and the parcels west across Elm Road have neither the minimum lot area nor width.

RECOMMENDATION ON REZONING

Due to the heterogeneity of lot sizes and widths in the neighborhood and the fact that both the existing and requested zonings comply with the County's comprehensive plan, staff has no recommendation on this request.

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 subject property is designated Residential Single-family Medium Lot, which specifies a lot size of between 1 and 3 acres. Both the existing Estate zoning and the proposed R – 1 zoning are consistent with the designated Future Land Use. The rezoning 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: The proposed amendment does not correct an error or inconsistency, nor can it be said that it meets the challenge of a changing condition.

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

Comment: Due to the fact that this neighborhood is composed entirely of single family homes on lots ranging in size from 1/2 to over 2 acres, the proposed amendment will allow development that is compatible with what exists in the area.

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.

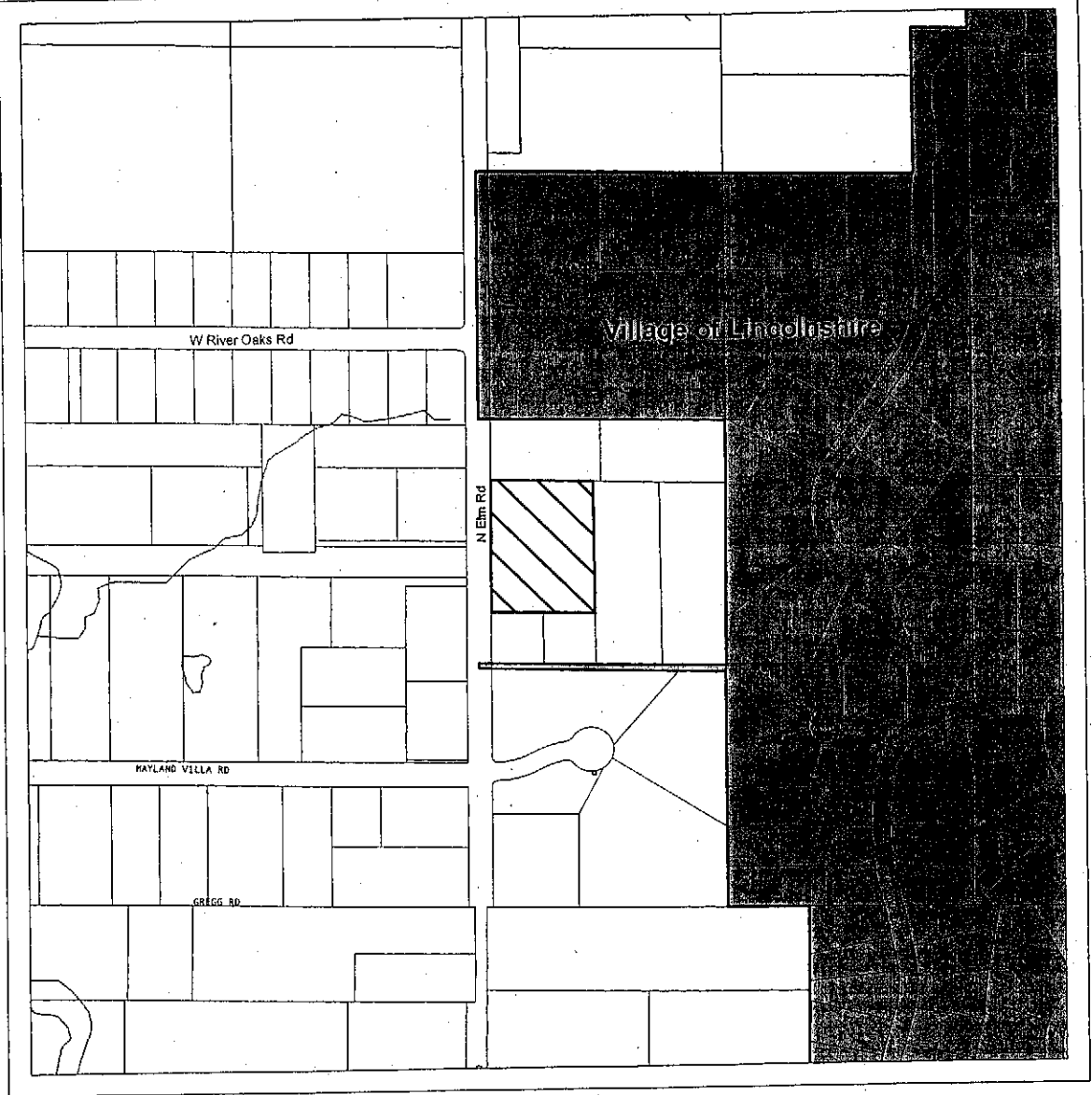
Comment: The subject property will be served by private septic and water well. Adequate public services are available if the rezoning is approved.

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: As the above analysis demonstrates, the subject property is suitable for the proposed R – 1 zoning.



Zoning Board of Appeals
Case# 3633