

**Zoning Board of Appeals (ZBA)
Minutes of the Public Hearing conducted on October 9, 2024**

Petitioner: LPH Properties, LLC, record owner.

Lake County Staff in Attendance:

Frank Olson, Senior Planner
Krista Braun, Deputy Director/Zoning Administrator, Planning, Building and Development (PBD)
Eric Waggoner, Director, PBD
Melanie Comer, ZBA Secretary/Planner, PBD
Andrew Heuser, Senior Civil Engineer, PBD
Joseph Meyer, Principal Engineer, LCDOT
Hayden Greene, Plan Reviewer/Inspector, PBD

1. Call to Order:

Rezoning No. #001007-2024 – Petition to rezone approximately 35 acres of a 38.96-acre parcel, PIN 10-06-200-003, from the General Office (GO) zoning district to the Agricultural (AG) zoning district.

2. Roll Call:

Zoning Board of Appeals representatives:

Member Ronald Traub, West Deerfield Township
Member Linda Starkey, Wauconda Township
Member Margaret Roche, Warren Township
Member Judy Garcia, Waukegan Township
Member Dalila Mondragon, Zion Township
Chair Gregory Koeppen, Avon Township

3. Pledge of Allegiance

4. Public Comment (none)

5. Approval of the Minutes (none)

6. Added to Agenda Items (none)

7. Deferred Matters (none)

8. Other Business: Petition to rezone approximately 35 acres of a 38.96-acre parcel from the General Office (GO) zoning district to the Agricultural (AG) zoning district.

Staff Report

Mr. Olson stated that the ZBA recommendation is advisory, and that the Board's recommendation will be forwarded to the Lake County Planning, Building, Zoning and Environmental Committee (PBZ&E). The PBZ&E Committee will also provide a recommendation on the request which is then sent to the full County Board. The County Board has final authority to act on the rezoning request. The applicant is LPH Properties, LLC, record owner. The property address is 31615 N Fairfield Road, Grayslake, Illinois, and contains approximately 38.96 acres respectively. The legal notice for the case was published in the Daily Herald on September 23, 2024. A notice was sent to area neighbors, in accordance with the Lake County Code. Correspondence about the case has been received from the Lake County Department of Planning, Building and Development (staff report), staff of the Lake County Division of Building and Engineering, the Lake County Health Department, the Lake County Division of Transportation, and the McHenry-Lake County Soil and Water Conservation District (Natural Resources Information Report).

ZBA Questions to Staff

Member Traub asked what kind of uses are permitted by right in the General Office zoning district. Mr. Olson responded that the General Office zoning district allows for more commercial uses albeit at a lesser intensity than those allowed in the General Commercial zoning district.

Member Traub asked what kind of density is allowed for residential use in the General Office. Mr. Olson responded that a residential use is not allowed in the General Office zoning district.

Member Traub asked what kind of density is allowed for residential in the Agricultural zoning district. Mr. Olson responded that he would have to get back to Member Traub with that information.

Member Traub asked why the property may have been zoned General Office. Mr. Olson responded that the property was previously occupied by a research lab since the 1960s and the zoning district was reflective of the long existing use.

Petitioner's Testimony

Ms. Katarina Karac, attorney, presented on behalf of the applicant. Ms. Karac testified to the following:

- The rezoning request does not include the Open Space zoned areas on the property.
- There have not been any concerns received from the surrounding property owners and support for the request is anticipated.
- The purpose of the rezoning is to allow for a single-family residence. The contract-purchasers are prepared to begin building a single-family residence once the rezoning is approved.
- The proposed use is more fitting with the surrounding properties, in line with the Lake County Future Land Use Map, and it corrects what appears to be a zoning inconsistency with the property's current zoning of General Office.

ZBA Questions to the Petitioner

Member Traub asked if there is an approximate location of the proposed barn on the site plan, Ms. Karac responded that a proposed site plan was provided and that the approximate location is where the existing concrete on the site is currently located. Member Traub clarified that he was concerned about the proximity of the proposed barn to the nearby residences and possible odors. Ms. Karac responded that the site would comply with development standards outlined by Lake County and that there are no anticipated negative odors or nuisances. Member Traub stated that a shift from an office use to an agricultural use may cause certain issues. Mr. Olson responded that as with all properties over five acres, the subject property is already allowed to have agricultural uses, including farm animals, subject to compliance with the agriculturally exempt setback requirements.

Public Questions

No Public Questions.

Public Statements

Chris Swanson, owner of a nearby property on Fairfield Road, stated that for the past 20 years they have neighbored a horse farm and there have been no smells or issues, he stated that he would be in support of the agricultural use. Mr. Swanson stated that he has flooding issues due to other nearby developments and asked that the future owners work with him to help alleviate the water flowing towards his property. Mr. Swanson reiterated that he is in full support of the proposed rezoning and the area needs more agricultural uses rather than residential subdivisions.

Lake County PBD Statements

No comments.

Closing Statement

No comments.

Close of Testimony/Action

A motion to close testimony was made by Member Roche and seconded by Member Traub. The motion passed unanimously.

Chair Koeppen stated that a motion is in order on ZBA Case #RZON-001007-2024. Member Starkey moved to recommend approval of the petition, seconded by Member Traub: Voting "Aye" on this motion, Members Starkey, Traub, Roche, Garcia, Mondragon, and Chair Koeppen. Voting "Nay" on this motion, none.

The motion to recommend approval of the petition passed by a vote of 6-0 based on the following findings:

The proposed rezoning meets all the standards as written in the staff recommendation.

9. Adjournment

Member Traub moved to adjourn the meeting, which passed unanimously. The meeting was adjourned at 1:21 p.m.