

RESOLUTION

No. 3782
Antioch Township

STATE OF ILLINOIS)
)
COUNTY OF LAKE) SS

COUNTY BOARD, LAKE COUNTY, ILLINOIS
December 8, 2009

MADAME CHAIRMAN AND MEMBERS OF THE COUNTY BOARD:

The Lake County Zoning Board of Appeals has conducted a public hearing on the application of Gary and Brenda Eberhardt, record owners, which requests rezoning from the Agricultural zone to the Residential-1 zone. After due consideration, we hereby recommend by a vote of 7-0 that this application be granted.

We find this application meets the standards for rezoning in the following manner:

Standard A. The proposed amendment is consistent with the stated purpose and intent of Section 1.5 of the Unified Development Ordinance;

Finding: The Framework plan designates the property as Agricultural. However, it is a policy of Section 10.5.3 of the Framework Plan to "promote land uses in unincorporated Lake County that reflect the character of the surrounding communities".

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 abuts a residential subdivision with R – 1 zoning to the west, and single-family uses to the north and south. The proposed amendment is consistent with the trend of development in the area and meets a changing condition, which is the transition of agricultural land into residential single-family lots.

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

Finding: The proposed zoning is compatible with the uses to the north, south, and west which are single-family dwellings. While the properties to the east are zoned Agricultural, this area is vacant and contains mapped wetlands and floodplains. Rezoning the subject property to Residential-1 is compatible with the uses and zoning of nearby 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 property does not have access to public sewer and water. The property abuts Hermann Avenue which is classified as a "local" road designation. However, poor traffic sight-lines may exist due to its location along the hillside of Hermann Avenue.

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

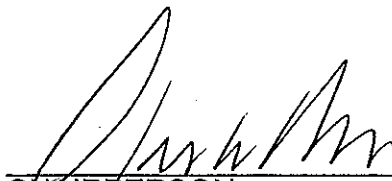
Finding: The rezoning would allow the appropriate density/lot area for the applicant to construct a single-family dwelling. The proposed use would not have a negative impact upon adjacent properties.


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

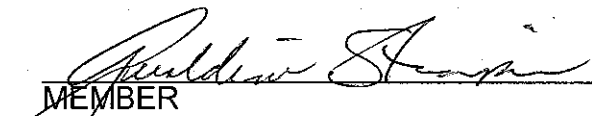
Finding: The property is suitable for the Residential – 1 zoning district and has the potential to allow the applicant to construct a single-family dwelling with a private water well and septic system.

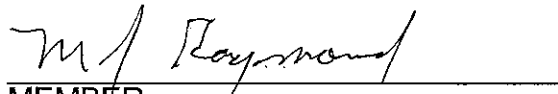
At the close of the hearing held on November 11, 2009, a motion to recommend that the rezoning be granted based on the above findings was made by Member Raymond, seconded by Member Reindl and passed by a vote of 7-0. Voting "Aye" were Members Koeppen, Raymond, Reindl, Stimpson, Westerman, Zerba and Bell; voting "Nay", none.

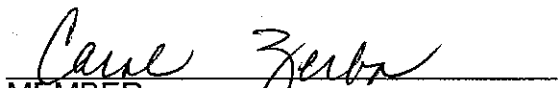
Zoning Case #3782
Antioch Township

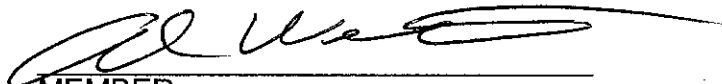

CHAIRPERSON



VICE-CHAIRPERSON


MEMBER


MEMBER


MEMBER


MEMBER


MEMBER

Dated this 19th day of November 2009.

Zoning Case #3782

Summary of Testimony

A public hearing was conducted by the Lake County Zoning Board of Appeals on November 11, 2009 on the application of Gary and Brenda Eberhardt, record owners, which requests a rezoning from the Agricultural zone to the Residential-1 zone. The subject parcel is located on the north side of Hermann Avenue, approximately 600-feet east of Grass Lake Road in Antioch Township, and contains 5-acres

The following is a summary of the testimony presented:

1. Mr. Eric Eberhardt, contract purchaser, testified that his parents own the subject property and he would like to subdivide the property to construct a single-family dwelling at the southwest corner of the subject property. The proposed amendment is consistent with the trend of development in the area and meets a changing condition.
2. Mr. Eberhardt stated there are single-family dwellings to the north and south, single-family dwellings and Residential-1 density to the west, and a large floodplain/wetland area to the east which would make any development problematic. Mr. Eberhardt stated he has no intention to subdivide the property beyond splitting the southwestern parcel to allow him to build a new house.

Summary of Department Comments

ZBA #3782

Lake County Health Department:

The Department has no comments on the rezoning.

Lake County Department of Planning, Building and Development:

The request predominately complies with the standards. The Residential-1 zoning district is not consistent with the Framework Plan which designates the property as Agricultural. However, the subject property abuts a residential subdivision with R – 1 zoning to the west, and single-family uses to the north and south. The proposed amendment is consistent with the trend of development in the area and meets a changing condition, which is the transition of agricultural land into residential single-family lots. The property will be served by private septic systems and water wells. There will not be any significant adverse impacts to the environment or nearby properties and the property is suitable for the proposed R – 1 zoning district.

MEMORANDUM

November 6, 2009

TO: George Bell, Chairman
Lake County Zoning Board of Appeals

FROM: Brad Denz, Senior Planner
Lake County Department of Planning, Building and Development

CASE NO: 3782 Rezoning

REQUESTED ACTION: Rezoning from the Agricultural (AG) zoning district to the Residential-1 (R-1) zoning district.

HEARING DATE: November 11, 2009

GENERAL INFORMATION

APPLICANTS: Gary and Brenda Eberhardt

OF PARCELS: one

SIZE: 5-acres

LOCATION: 25910 Herman Avenue, Antioch, IL.

EXISTING ZONING: Agricultural

PROPOSED ZONING: Residential-1

EXISTING
LAND USE: single-family dwelling

PROPOSED LAND USE: new single-family dwelling

SURROUNDING ZONING / LAND USE

NORTH and
SOUTH: Agricultural / single-family dwellings

EAST: Agricultural / vacant
WEST: Residential-1 / single-family dwellings

COMPREHENSIVE PLANS

LAKE COUNTY: Agricultural
MUNICIPALITIES WITHIN 1 1/2 MILES: Village of Fox Lake: not designated
Village of Lake Villa: not designated

DETAILS OF REQUEST

ACCESS: Direct access is provided via Hermann Avenue
FLOODPLAIN / WETLAND: According to the County's GIS, the property is not in a wetland
However, the eastern edge of the property is located within a floodplain
SEWER AND WATER: Private well and septic system.

RECOMMENDATION

In staff's opinion, the request predominately complies with the standards and we recommend approval:

Map Amendment Approval Criteria – UDO Section 3.3.8

- Standard 1: The proposed amendment is consistent with the stated purpose and intent of Sec. 1.5.
- Comment: The Residential-1 zoning district is not consistent with the Framework Plan which designates the property as Agricultural.
- Standard 2: The proposed amendment corrects an error or inconsistency or meets the challenge of some changing condition in the area.
- Comment: The subject property abuts a residential subdivision with R – 1 zoning to the west, and single-family uses to the north and south. The proposed amendment is consistent with the trend of development in the area and meets a changing condition, which is the transition of agricultural land into residential single-family lots.

Standard 3: The proposed amendment will allow development that is compatible with existing uses and zoning of nearby property.

Comment: The proposed zoning is compatible with the uses to the north, south, and west which are single-family dwellings. While the properties to the east are zoned Agricultural, this area is vacant and contains mapped wetlands and floodplains. Rezoning the subject property to Residential-1 is compatible with the uses and zoning of nearby properties.

Standard 4: 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 does not have access to public sewer and water. The property abuts Hermann Avenue which is classified as a "local" road designation. However, poor traffic sight-lines may exist due to its location along the hillside of Hermann Avenue.

Standard 5: 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 rezoning would allow the appropriate density/lot area for the applicant to construct a single-family dwelling. The proposed use would not have a negative impact upon adjacent properties.

Standard 6: The subject property is suitable for the proposed zoning classification.

Comment: The property is suitable for the Residential – 1 zoning district and has the potential to allow the applicant to construct a single-family dwelling with a private water well and septic system.