



Lake County Central Permit Facility
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March 8, 2012

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: 4781 and 4782

REQUESTED ACTION: 1. Conditional Use Permit to allow day care in the Residential-1 zoning district.

2. Variation to allow a nonresidential use (day care) in the Residential-1 zoning district on a lot of less than 80,000 square feet.

HEARING DATE: March 14, 2012

GENERAL INFORMATION

OWNER: Sara Bialachowski and Lisa Williams

OF PARCELS: One

SIZE: 1.09 acres

LOCATION: 35274 N. U.S. Highway 12, Ingleside, Illinois

EXISTING ZONING: Residential-1

EXISTING LAND USE: Detached single family residence with a home occupation for day care.

PROPOSED LAND USE: Full-time day care business.

SURROUNDING ZONING / LAND USE

EAST: Village of Fox Lake / frontage road, not designated

NORTH, SOUTH
and WEST: Residential-1 (R-1) / Detached Single Family Residences

COMPREHENSIVE PLANS

LAKE COUNTY: Residential Medium Lot
VILLAGE OF FOX LAKE: Low Density Residential

DETAILS OF REQUEST

ACCESS: Direct access is provided the frontage road which is classified as "U.S. Highway 12".

CONFORMING LOT: The subject property is conforming in the Residential-1 (R-1) zoning district.

FLOODPLAIN / WETLAND: The property contains no mapped wetlands or floodplains.

SEWER AND WATER: The property is on well and septic.

ADDITIONAL COMMENTS

1. The property owner would like to establish a day care business in the Residential-1 zoning district. This is an allowed use in the R-1 zone with a Conditional Use Permit (CUP). The Zoning Board of Appeals has been delegated the authority for granting or denying the requested CUP for a Day Care Facility.
2. A Day Care provides care, protection and supervision for children or adults on a regular basis away from their primary residence for less than 24 hours per day (UDO 14.1.4.4.a). A Day Care facility may include 7 or more children or adults, unrelated to the operator of the facility. The term "Day Care Facility" includes facilities commonly called "child care centers," "day nurseries," "adult day cares" and "kindergartens" but does not include any state operated institution for child care, any juvenile detention housing, any licensed nursing home, or any bonafide boarding school (UDO 14.2. #96).
3. The International Building Code defines a day care as "The use of a building or structure, or portion thereof, for educational, supervision or personal care services for more than five children older than 2 ½ years of age, shall be classified a Group E occupancy". Group E is classified as an educational facility.
4. The applicant's business plan indicates they have obtained a license from the Department of Children and Family Services (DCFS) for home occupation day care.

5. On January 28, 2011, the Lake County Building Division issued a “red-tag” violation against the property for conducting a day care business without the required zoning and building permit approvals.
6. The applicant has initiated the building permit and site plan review process with the Development Review Team. The applicant has executed a landscape transition yard waiver agreement with the 4 (four) adjacent property owners to waive the landscape planting requirements.
7. The minimum number of off-street parking spaces required for a day care is 1 per teacher / employee, plus 1 per 6 enrollees, or off-street waiting to accommodate at least 6 vehicles (UDO 9.1.2).
8. According to County records the approximate square footage of the structure is 2,784 square feet.

RECOMMENDATION ON CONDITIONAL USE PERMIT

From a zoning standpoint (location, affect on adjacent properties, etc.), staff recommends approval of the CUP. However, as the existing single-family dwelling does not meet the International Building Code requirements for a day care facility, staff can not recommend approval of the CUP at this time as several building code requirements involve life-safety issues. Ultimately, if/when the applicant addresses the building code requirements, staff would recommend approval of the CUP request, subject to the Conditions attached as Exhibit A. As such, in our opinion, the request meets all of the criteria in the following manner:

Conditional Use Approval Criteria – Section 3.6.7

1. The use in its proposed location will be consistent with the stated purpose and intent of Section 1.5:

Comment- The proposed use in its proposed location is consistent with the purpose and intent of the Ordinance to protect the health, safety, and general welfare of existing and future residents. Although the Future Land Use Map shows the area as Residential Medium Lot, the intensity of the proposed use will be controlled by the conditions placed by this CUP. These conditions include those standards set during the Site Capacity and Site Plan Review process including the.

2. The proposed use in its proposed location complies with all applicable standards of this Ordinance, including any applicable Use Standards of Section 6.2.

Comment -The applicant has initiated the site plan review process. It will be necessary for the development to meet the site plan review standards and comply with all Ordinance requirements.

3. The proposed use in its proposed location will not have a substantial adverse impact on any of the following, either as they exist at the time of the application or as they may be developed in the future due to implementation of the Regional Framework Plan:

a. Adjacent property

Comment – The property abuts a frontage road (U.S. Highway 12) to the east, and single-family residences in the R-1 zoning district to the north, south, and west. As previously stated, the applicant has executed a landscape transition yard waiver agreement with the 4 (four) adjacent property owners to waive the landscape planting requirements. In the opinion of staff, the landscape yard waiver agreement by the adjacent property owners could be interpreted as a “no objection” to the proposed use.

b. Character of the neighborhood

Comment – As previously stated, the property abuts a frontage road (U.S. Highway 12) to the east, and single-family residences in the R-1 zoning district to the north, south, and west. However, the two properties to the north (approximately 50 lineal feet) located in the Village of Fox Lake are zoned B-3 Commercial Service Wholesale. Additionally, the properties located ¼ mile to the south along the frontage road (U.S. Highway 12) are within the Village of Fox Lake as well and are zoned B-3 Commercial Service Wholesale. Moreover, the subject property only takes access from the frontage road and does not have direct access to the internal streets to the residential lots to the west.

Given the diverse uses along this portion of U.S. Highway 12, staff believes that the addition of a day care on the subject property will not adversely affect the character of the neighborhood.

c. Natural resources

Comment – The property contains a young woodland and stand-alone “significant trees” (trees having a diameter at breast height of 24 inches or greater). The site plan indicates the proposed parking lot will eliminate one significant tree. The improvements meet the UDO natural resource protection requirements.

d. Infrastructure

Comment – The property has a private septic system and water well. The property has an access point onto the frontage road of US Highway 12. The use will not have a negative impact upon existing infrastructure.

e. Public sites

Comment – This use will not have an impact on public sites.

f. Any other measures affecting the public health, safety, or general welfare

Comment – Compliance with UDO requirements, the compliance with the requirements of other permitting agencies, and the compliance with any additional conditions applied by the Zoning Board of Appeals will ensure there will not be any significant adverse impacts to public health, safety, or welfare.

EXHIBIT A
RECOMMENDED CONDITIONS FOR CONDITIONAL USE PERMIT

1. The development must be in substantial conformance with the site plan pursuant to ZBA application #4781 and #4782, upon its final approval and satisfactorily addressing the “Staff Comments” Memorandum of January 18, 2012, as verified by the County’s Review Team.
2. The day care operation shall cease operation until the structure meets the International Building Code requirements for a “Group E” facility.
3. The day care facility shall only be open Monday thru Friday from 6:30 a.m. to 6:00 p.m.
4. The use of an exterior intercom system or amplified sound system (music) shall not be allowed.
5. No parking along the frontage road of U.S. Highway 12.

RECOMMENDATION ON VARIATION

Staff has no objection to the variation request. In staff’s opinion, in conjunction with the requested CUP application for a day care business, the variation request complies with the standards in the following manner:

Zoning Variance Approval Criteria – UDO Section 3.12.3.4

1. Exceptional conditions peculiar to the applicant’s property:

Comment – The property is conforming for single-family residential use in the R – 1 district and is improved with a single-family dwelling. As the request to convert the single-family dwelling into a day care business on the subject property requires a CUP, the UDO also requires this use be located on a parcel of at least 80,000 square feet in the R-1 zoning district. The subject property is located on the west side of the frontage road U.S. Highway 12 and east of the “County Clerk’s Subdivision”. The subject property will only take access from the frontage road and will not have any direct access to the internal streets of the County Clerk’s Subdivision to the west.

2. Practical difficulties or particular hardship in carrying out the strict letter of the regulation:

Comment – Although the property is zoned R-1, if the Zoning Board Appeals feels that the CUP application meets the standards for a day care use, a line of reasoning could be made that a denial of the variation would be considered a practical difficulty or particular hardship for the applicant.

3. Harmony with the general purpose and intent of the zoning regulations:

Comment – Approval of the variation would not create a negative appearance nor be detrimental to the neighborhood. Granting the variation is in harmony with the general purpose of the regulations.

RECOMMENDED CONDITIONS

1. Staff recommends that this variance be conditioned upon the adoption by the Zoning Board of Appeals approval of the requested Conditional Use Permit #4781.



Health Department and
Community Health Center

Irene T. Pierce, MSN
Executive Director

Population Health Services
500 W. Winchester Road, Suite 102
Libertyville, Illinois 60084
Phone 847 377 8020
Fax 847 984 5622

**LAKE COUNTY HEALTH DEPARTMENT
AND COMMUNITY HEALTH CENTER
Population Health Services**

Memorandum

Date: February 27, 2012

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

From: Tom Copenhaver, Individual Sewage Disposal Coordinator
Population Health Services

Re: Zoning Notice # 4781 and #4782
PIN 05-15-304-037
Grant Township

The comments of January 18, 2012 address the Health Department's requirements. The Department has no objections to the Conditional Use Permit or Variance Request.

To: Brad Denz
From: Eric Steffen
Date: February 24, 2012
Subject: ZBA Case #4781 & #4782; Project #4741 – CUP and Variance to allow a nonresidential use in the R-1 zoning district on a lot less than 80,000 square feet

BUILDING & ENGINEERING DIVISION (ENGINEERING COMMENTS)

This division has reviewed ZBA Case #4781 & #4782 with the following comment:

1. This division has no objection to the proposed CUP and variance request to allow nonresidential use (day care) on a lot less than 80,000 square feet. The proposed project is currently under review and a Site Development Permit will be required for the proposed improvements to the site, if the CUP and variance is granted.

EDS:mak

Lake County Division of Transportation

**600 W. Winchester Road
Libertyville, Illinois 60048**

**Office: 847-377-7400
Fax: 847-984-5944**

File: Grant Township

Date: March 2, 2012

**Subject: Lake County Zoning Notice #4781 & #4782
PIN 05-15-304-037**

To: Brad Denz, Senior Planner

From: Joe Meyer, Civil Engineer

We have reviewed Zoning Case #4781 & #4782 in Grant Township and offer the following comments:

1. The frontage road that provides access to the property is a Village of Fox Lake street. Approval from the Village for this project will be required as part of County's Site Plan Approval process.
2. LCDOT has no jurisdiction over the streets surrounding this property; therefore, we have no comments on the CUP request and the variation to allow the nonresidential use in the R-1 zoning.