



November 22, 2021

TO: Gregory Koeppen, Chair  
Lake County Zoning Board of Appeals

FROM: Eric Tooke, Principal Planner/Project Manager  
Lake County Department of Planning, Building, and Development

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CASE NO: VAR-000717-2021

HEARING DATE: November 30, 2021

REQUESTED ACTIONS:

1. Decrease the required landscaping for a nonresidential use abutting an arterial street from 4 plant units (4 canopy trees, 8 understory trees, 8 evergreen trees, and 28 shrubs) to 4 canopy trees.

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**GENERAL INFORMATION**

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OWNER: RR LLC, record owner, which is 100% owned by Bobbie Jackson.

# OF PARCELS: Two

SIZE: 1.87 acres, per Lake County's Maps Online

LOCATION: 43420 and 43380 N. U.S. Highway 45, Antioch, Illinois  
PINs: 02-02-401-004 and 02-02-401-005

EXISTING ZONING: General Commercial (GC)

EXISTING LAND USE: Contractor's equipment sales and storage (outdoor)

PROPOSED LAND USE: A cedar fence and steel gate

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### SURROUNDING ZONING / LAND USE

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NORTH:	General Commercial (GC) / Crop Raising
WEST:	Agriculture (AG) / Crop Raising
SOUTH:	Agriculture (AG) / Single-Family Residence
EAST:	Recreational Commercial (RC) and General Commercial (GC) / Self-Service Storage, Vehicle Repair, and Contractor's Equipment Sales and Storage (Outdoor) per delegated CUP-000211-2017.

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### DETAILS OF REQUEST

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ACCESS:	Access from IL Rte. 45 has been approved by the Illinois Department of Transportation as shown in the site plan.
CONFORMING LOT:	The subject property is a conforming zoning lot in the GC district.
WETLAND / FLOODPLAIN:	The property does not contain any floodplain; however, it does contain mapped wetlands on the northeast corner of the property.
SEWER AND WATER:	Private septic system and private water well.

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### STAFF COMMENTS

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#### **Tom Copenhaver – Environmental Health Services**

The Department has no objections to the variance request.

#### **Joel Krause – Engineering & Environmental Services Division**

This division has reviewed ZBA Case VAR-000717-2021 with the following comments: The Engineering Division has no objection to the requested variance.

#### **Ieva Donev – Building Division**

The Lake County Building Department has no objection to the requested variance.

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## RECOMMENDATION ON VARIANCES

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Staff recommends denial for the variance request. In Staff's opinion, the variance request does not comply with the standards in the following manner:

### **Zoning Variance Approval Criteria – LCC Subsection 151.056 (C)(4)**

#### 1. Exceptional conditions peculiar to the applicant's property:

Comment – The subject property is in the General Commercial (GC) zoning district which has a minimum lot area of 10,000 square feet and a minimum width of 50 feet. This property is a conforming zoning lot that exceeds 80,000 square feet in area and 375 feet in width. Based on staff's site visit and the site plan submitted, the edge of pavement to the property line for the subject property is more than 30 feet away. Please note, that within the 30 feet of separation in the right-of-way easement, is a ditch abutting the subject property which will protect the required landscaping from snow plows and winter road treatment. The proposed fence can be located inside the property with the landscaping facing U.S Highway 45. Nothing about the property's location or configuration constitutes an unusual or exceptional condition with respect to the Code's general application of landscape standards for streets.

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

Comment– There do not appear to be any difficulties or hardships related to the property or the existing development on the subject zoning lot. Staff noted in its site visit that the location of the landscape area required by the Lake County Code (LCC) is currently being maintained with grass. The required landscaping does not require any additional chemicals or fertilizer, however it will need to be watered until it is established.

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

Comment – The character of the area includes landscaping along U.S Highway 45. The adjacent parcel to the north, which is used for agricultural purposes, has vegetation along U.S Highway 45 as does the property directly across the highway, which has a Delegated CUP for a similar use. Section 151.005(I) of the Lake County Code (LCC) indicates that one of the purposes and intent of the code is to promote sustainable development.

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### **RECOMMENDATION CONDITIONS**

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1. In the event the Board is inclined to grant the proposed variance requests, staff recommends that it be consistent with the site plan proposed with this zoning application which indicates a 6' high cedar privacy fence and 4 canopy trees.