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May 7, 2015

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

FROM: Patrick Tierney, Principal Planner
Lake County Department of Planning, Building, and Development

CASE NO: 7031

REQUESTED ACTION: Variances from Unified Development Ordinance (UDO) to construct an equipment shelter and generator for cellular service as follows:

1. Section 151.112(SS) - To reduce the required rear yard setback for an equipment shelter from 10 feet to 1.93 feet.
2. Section 151.112(SS) - To reduce the required side yard setback for a generator from 10 feet to 4.11 feet.
3. Section 151.112(SS) - To reduce the required rear yard setback for a generator from 10 feet to 3.57 feet.

HEARING DATE: May 14, 2015

GENERAL INFORMATION

OWNER: Anna Roscher

CO-PETITIONER: Derek McGrew, CelluSite, LLC,

OF PARCELS: Three; 15-28-100-044, 15-28-100-045*, 15-28-100-024
*Parcel containing cell tower and related equipment

SIZE: Approximately 2.40 acres (all three parcels); cell facility parcel associated with variance contains 0.056 acres

LOCATION: 16791 W. Aptakisic Road, Prairie View, IL 60069

EXISTING ZONING: Residential – 1 (R-1)

EXISTING LAND USE:	Single-family residence and attached garage and one additional accessory structure – PIN 15-28-100-044; cell tower and related equipment - PIN 15-28-100-045; Vacant – PIN 15-28-100-024
PROPOSED LAND USE:	The applicant is proposing to construct an 8 ft. x 20 ft. equipment storage building and a 4 ft. x 10 ft. generator to service proposed antennas on an existing cellular communications tower on PIN 15-28-100-045.

SURROUNDING ZONING / LAND USE

NORTH:	Agricultural (AG)/Commercial greenhouse and nursery
SOUTH & WEST:	Institutional (I)/ Commonwealth Edison (ComEd) – Buffalo Grove
EAST:	Residential - (R-1) / Single-family Residence

COMPREHENSIVE PLANS

LAKE COUNTY:	Medium Lot Residential 1- 3 acre lot density
BUFFALO GROVE:	Single-family Detached

DETAILS OF REQUEST

ACCESS:	Direct access to the subject lot property is from W. Aptakisic Road.
NATURAL RESOURCES:	There are no mapped natural resources shown for the subject property.
SEPTIC AND WATER:	The existing single-family residence is serviced by a private septic system and well.

ADDITIONAL COMMENTS

- The bulk requirements (height and setback distances) for telecommunication facilities in the Lake County, Illinois Code of Ordinances are prescribed by 55 ILCS 5/5-12001.1 and have been incorporated in the Lake County Code by reference. The Statutes also establish the criteria and procedure to consider variations affecting the location, height or setback of a facility, and the time frame within which a decision will need to be rendered by the County Board. In the case of variations under the Telecommunications Act, the Zoning Board of Appeals conducts the public hearing and the final decision is determined by the County Board within 75 days of the date the application was received.
- It is the County's desire to discourage the construction of new antennas and to encourage the colocation of antennas and equipment on the site of existing facilities. The subject variations are necessitated by the colocation of new antennas on an existing tower and the construction of an equipment cabinet and generator for a second wireless communication provider on a lease site originally established in 1996 for a single provider. The variances are necessitated because the equipment proposed by the co-petitioner fails to meet the minimum 10 feet established by State Statutes.

STAFF COMMENTS

1. **Bob Springer – Building Division**

The building division has no objection to the granting of this variance

2. **Eric Steffen – Engineering Division**

This division has no objection to reduce the required setbacks as requested.

3. **Joe Meyer – Lake County Division of Transportation**

LCDOT has no objections to the requested setback variations.

4. **Mark Mussachio - Health Department**

A septic system and well are not required for the use of the property. The Health Department's review is waived.

RECOMMENDATION ON VARIANCE

The standards for this variance request are prescribed by State Statute and differ from the standards of a typical variance. After considering the facts in this case, staff has determined the application meets the approval criteria established by 55 ILCS 5/5-12001.1 and recommend approval of the variances for the following reasons:

1. Provide reasoning, but for the granting of a variation, the service that the telecommunications carrier seeks to enhance or provide with the proposed facility will be less available, impaired, or diminished in quality, quantity, or scope of coverage.

Comment – The subject application is a reflection of improvements in cellular technology and the need for more frequent, smaller cells to meet the demands of cellular providers' constituents. Denying the variance would diminish the quality and quantity of coverage in the area for the customers of Verizon Wireless.

2. Whether the conditions upon which the application for variations is based are unique in some respect or, if not, whether the strict application of the regulations would result in a hardship on the telecommunications carrier.

Comment – The original lease area established in 1996 between the property owner and the original lessee was based on a single-user and previous cellular technology. These factors create a unique condition because the petitioner has indicated he is unable to negotiate a new lease agreement to enlarge the lease area. Staff's inspection determined that if the variances are granted, there is sufficient area on the existing lease area to house the new equipment. Denying the variations would result in a hardship forcing the applicant to renegotiate a new lease area or construct a new tower elsewhere when there is sufficient area to construct the improvements.

3. Whether a substantial adverse effect on public safety will result from some aspect of the facilities design or proposed construction, but only if that aspect of design or construction is modifiable by the applicant.

Comment – Staff has reviewed the site plan and building plans for the proposed improvements, and with the exception of the setback limitation, the building permit for the facility and proposed antennas may be issued. In the review, staff has not found any adverse impact associated with the proposed site plan. The similar use associated with the adjacent property justifies granting the variance as the variance will have no impact on public safety or the neighboring property owner.

4. Whether there are benefits to be derived by the users of the services to be provided or enhanced by the facility and whether public safety and emergency response capabilities would benefit by the establishment of the facility.

Comment – Cellular services are intended to benefit all members of the public. The proposed improvements are intended to provide additional service coverage for a cellular provider that may be utilized for public safety and emergency service providers.

5. The extent to which the design of the proposed facility reflects compliance with subsection (e) of 55 ILCS 5/5-12001.1 as follows:

- (1) No building or tower that is part of a facility should encroach onto any recorded easement prohibiting the encroachment unless the grantees of the easement have given their approval.

Comment – The cell site is bounded by an access easement to the ComEd property on the east and ComEd on the south. The lease site will not be changed in configuration and it will not encroach into either of the adjacent easement areas.

- (2) Lighting should be installed for security and safety purposes only. Except with respect to lighting required by the FCC or FAA, all lighting should be shielded so that no glare extends substantially beyond the boundaries of a facility.

Comment – the existing tower contains the required lighting. No new lighting is proposed as part of this application.

- (3) No facility should encroach onto an existing septic field.

Comment – No septic field is in the vicinity of the proposed cell site improvements.

- (4) Any facility located in a special flood hazard area or wetland should meet the legal requirements for those lands.

Comment – The existing site is not in an area with mapped wetlands or in a special flood hazard area.

- (5) Existing trees more than 3 inches in diameter should be preserved if reasonably feasible during construction. If any tree more than 3 inches in diameter is removed during construction a tree 3 inches or more in diameter of the same or a similar species shall be planted as a replacement if reasonably feasible. Tree diameter shall be measured at a point 3 feet above ground level.

Comment – The cell site contains no trees; subsequently, no trees will be impacted by the proposed site improvements.

- (6) If any elevation of a facility faces an existing, adjoining residential use within a residential zoning district, low maintenance landscaping should be provided on or near the facility lot to provide at least partial screening of the facility. The quantity and type of that landscaping should be in accordance with any county landscaping regulations of general applicability, except that paragraph (5) of this subsection (e) shall control over any tree-related regulations imposing a greater burden.

Comment – The proposed improvements will be adjacent to a ComEd easement and a significant distance from adjacent residential areas. Landscaping will not be required.

- (7) Fencing should be installed around a facility. The height and materials of the fencing should be in accordance with any county fence regulations of general applicability.

Comment – The existing site contains a woven wire fence that meets the requirements of the Lake County Code.

- (8) Any building that is part of a facility located adjacent to a residentially zoned lot should be designed with exterior materials and colors that are reasonably compatible with the residential character of the area.

Comment – The proposed generator and storage building will be located adjacent to the ComEd easement property, a nonresidential use containing power lines and no buildings. The structures will be compatible with the existing uses in the area.

RECOMMENDED CONDITION

1. In the event the Board grants the proposed variance, staff recommends that it be limited to the site plan associated with this zoning case.