



# **Administrative Appeal Information**

**Zoning Board of Appeals**

**Lake County  
Planning, Building and Development Department**

500 W. Winchester Rd. • Unit 101 • Libertyville, Illinois 60048-1331  
Telephone (847) 377-2600 • Email: [LCPermits@lakecountyil.gov](mailto:LCPermits@lakecountyil.gov) • Fax (847) 984-5854

**Website: <http://www.lakecountyil.gov/planniq/>**

## Introduction

The information contained in this package is to help you become familiar with the various requirements which must be met before an application for an appeal is accepted and also to prepare you to provide testimony and address any questions which might be raised at the public hearing.

Illinois Compiled Statutes, Chapter 55, Section 5/5 -12011 and 5/5 -12012 contain statutory provisions relating to an Administrative Appeal.

Once your application is accepted, the entire appeal process generally takes about 2 to 3 months to complete. Careful and proper preparation of your application is essential and, in the long run, will save considerable time and expense for both yourself and the County.

If you should have any questions, please feel free to call the Lake County Planning, Building and Development Department at (847) 377-2600. If you wish to visit the office to discuss your application, please call ahead for an appointment.

## Before Filing the Application

You are strongly urged to meet with the Staff of the Zoning Board of Appeals (ZBA) before preparing an application. The Staff will advise you on the correct form to use, how to complete the application, explain the procedures involved and attempt to identify potential problems which might be encountered. You should also obtain a copy of the Lake County Unified Development Ordinance (LCUDO) available from the Lake County Planning, Building and Development Department or on-line at [www.lakecountyil.gov/Planning/publications/UDO.htm](http://www.lakecountyil.gov/Planning/publications/UDO.htm) and become familiar with the standards and requirements applicable to the property subject of an appeal.

An appeal may be taken by any aggrieved person or by an officer, department, board or bureau of the County. **An appeal shall be taken within thirty (30) days after the date of the administrative officer's decision.** A copy of the application shall be filed with the officer from whom the appeal is taken and an original copy shall be filed with the office of the ZBA.

## Filing the Application

The following documents, information, and the correct filing fee must be submitted in proper form before any application will be accepted for processing.

- **The Application:** The application must be prepared in essentially the same format as the attached sample application (Page 4 & 5).
- **Application Fee:** The application fee shall be paid at the time of filing an application.  
[http://www.lakecountyil.gov/Planning/publications/More%20Publications/Land\\_Development\\_Fee\\_Schedule.pdf](http://www.lakecountyil.gov/Planning/publications/More%20Publications/Land_Development_Fee_Schedule.pdf)
- **Disclosure:** Whenever applicable, the following disclosures must be made:

When the applicant is a land trust or trustee of a land trust, the application shall identify each

beneficiary of such land trust the application shall identify each beneficiary of such land trust by name and address and define each beneficiary's interest therein. All applicants shall be verified by the applicant in his or her capacity as trustee.

When the applicant is a corporation, the applicant shall include the correct names, addresses and percent interest of all stockholders or shareholders owning any interest in excess of 20 percent of all outstanding stock of such corporation. If the corporation has no shareholders, a statement to that effect shall be submitted.

When the applicant is a business entity doing business under an assumed name, the application shall include the names and addresses of all true and actual owners of such business or entity.

When the applicant is a partnership, joint venture, syndicate, or an unincorporated voluntary association, the application shall include the names and addresses of all partners, joint ventures, syndicate members, or members of the unincorporated voluntary association.

- **Maps:** If the appeal involves a parcel of land, certain information should be graphically shown on maps which must accompany an application. If any map to be submitted measures larger than 11" by 17", fifteen copies of such map must be submitted. The following information may be shown on these maps:
  - ✓ The parcel subject to the appeal (a plat of survey is preferred, if available).
  - ✓ The dimensions and acreage (or square footage) of the subject parcel.
  - ✓ The location of all improvements, if any, on the subject property and the distances of these improvements from all property lines.
  - ✓ All existing **uses** (e.g. "house", "pastureland", "gas station", etc.; not to be confused with zoning district) on all adjacent properties within 500 feet of the boundaries of the subject property (tax maps, which show individual parcels at a scale of 1"= 200' or 1"=400', are useful base maps for this item and are available from the County's Map Services, 8<sup>th</sup> floor of the County Administration Building). The map shall also show the current names of all roads within 500 feet of the property.
  - ✓ Approximate locations of natural resources such as steep slopes, woodlands, floodplain, etc. (as defined by the LCUDO) present on the property.

## **The Public Hearing**

The public hearing is generally held approximately five weeks after an application is accepted and filed. The time of the hearing is scheduled by the ZBA, and the hearing is held in the Central Permit Facility, Libertyville, IL. The attached sheet (page 6) outlines the procedure followed by the ZBA at the public hearing. In addition to the filing fee, you will be billed separately for the cost of publishing the legal notice of the hearing in the newspaper. Further, in all cases it is required that a court reporter be present to transcribe the proceedings and to provide a copy of the transcript to the office of the ZBA. If you wish to arrange for a court reporter, you must so inform staff when you file the appeal, otherwise staff will schedule a court reporter and you will be billed separately. In either case, You are responsible for all costs incurred.

## **After the Public Hearing**

Once the public hearing is concluded, the ZBA, may make its determination on the day of the hearing after the testimony has concluded or it may take the application under advisement. A decision may not be reached until the monthly review meeting of the ZBA which is held on the first Friday of each month. These meetings are open to the public. However, no additional evidence or testimony is accepted unless such was specifically requested at the public hearing.

One continuation of the hearing is allowed. A fee will be assessed whenever a further continuation is requested by the applicant or is required due to the failure of the applicant to produce evidence previously requested by the Board.

The ZBA will generally make its decision within five weeks of the hearing. This determination will depend upon when, during the month, the hearing was held, the adequacy of the evidence submitted and the receipt of the transcript. The ZBA is required to render a written decision within 30 days of the receipt of the hearing transcript. The decision of the ZBA is final. An affirmative vote of four members of the ZBA is required in order to reverse any order, requirement, decision or determination of any administrative official.

**Again, the entire process generally takes from 2 to 3 months to complete from the date the application is filed.**

NOTE: This is a guide to be used in the preparation of an original petition.

### APPEAL

TO: ZONING BOARD OF APPEALS  
Central Permit Facility  
Libertyville, IL 60048

Now come:

JENNIFER MUELLER, MARYANNE RYAN, ANN FOOR-NOLAND, JOYCE  
BOZACKI-RAE, MELISSA PEARLMAN-RICH, MARY. TOUPS MISKE,  
SAM FAZIO, CHERYL GOREY, LARRY W SCHAEDEL, SHERI BUEGEY,  
ROSE ARENDARZYK, DONNA FITZPATRICK, DANIEL MC MANUS

who petition the Lake County Zoning Board of Appeals to review the decision of the Director of the Lake County Planning and Building Development, of Lake County, Illinois which adversely affects petitioner and, in support of this appeal, alleges as follows:

1. That on February 3, 2015, Mr. Eric Waggoner, The Director of the Lake County Planning and Building Development Department issued an occupancy permit to the Lake County Housing Authority pursuant to its application filed on January 21, 2015. Said permit reclassified the prior Use to "Government Use" within a Residential R-1 Low Density Zoning District.
2. That this decision was issued relative to property legally described as:

See Exhibit A for Legal Description of the Property

Which is located at 22843 (West) North Lakewood Ave, Lake Zurich, Illinois 60047, located in unincorporated Lake Zurich Township, Lake County, Illinois: PIN 1416100056. An aerial and location map are attached hereto.

3. That petitioner believes this decision reclassifying the subject property by the Lake County Planning and Building Development is in error in that:


The proposed Use is not properly classified as a Government Use Categorization of the of the property. Rather, the proposed Use is appropriately categorized as "Group Living" Use under the Unified Development Ordinance which is prohibited in an R-1 Zoning District. Categorization as Government Use is incorrect for several reasons. The Categorization as Government Use is incorrect because of the following: 1) Government Use does not presume a living or residency use of the facility (one which presumes 24 hour a day residency), 2) the Use does not entail the operations of a Government Agency, 3) the facility will not will not be lived in by a government agency, 4) the facility will be operated by a non-government agency, 5) the residents residing in the facility will not be government employees, 6) the Facility contains assembly space that the


operators own program literature states may be used by non-resident visitors, 7) the Facility will be open to, and used by ,individuals that are other the individuals that will reside within the facility, will operate 24 hours a day, 8) the facility's operation will not be restricted to the hours of 8 am to 8 pm operating hours, 9) the facility is most appropriately categorized as a "Group Living" Use based upon it actual planned Use which best fits into the Group Living Use Category, and that the Group Living Use is not a Permitted Use within a Residential R-1 Low Density Zoning District.

**See attachment narrative containing additional information.**

Further, we the petitioners believe that we have the right to have the Zoning requirements and the Uniform Development Ordinance (UDO) enforced as written and as intended by the UDO. We also believe that our right to use and enjoy our own properties will be negatively affected by Lake County Planning and Building Development's allowing the Non-Permitted use of a Group Living facility within our R-1 Residential Zoning District. While our rights to use and enjoy our own properties are impacted by and extend to the also extend to the surrounding area and area specifically within the R-1 zoning District through which we sharing police, fire and Emergency medical services with. The placement of a high density Group Living facility non-high priority service Zoning District creates additional risk to us and our families by virtue of the dilution of already non-high priority services serving our properties. Finally, we believe we will be negatively impacted both form a degree of risk in reduced services as well as economically as a result of a Group Living Facility being allowed the R-1 Zoning District in which we and the Midlothian Manor Property reside.

WHEREFORE, your petitioners pray that the Lake County Zoning Board of Appeals direct Lake County Planning and Building Department to reconsider and reverse the change in Use of the Midlothian Manor property and any associated permit issued by Lake County Planning and Building Development to the Lake County Housing Authority (LCHA) and/or PADS on or about February 3, 2015 and further declare that the Government Use of the property is an incorrect categorization of Use of the Property, that the property's Use is correctly Categorized as a "Group Living" Facility under the UDO, and that the property as intended to be operated by LCHA and or PADS is therefore a Use that is Not Permitted within the R-1 Zoning District in which the property is located.

  
Signed  
JENNIFER L. MUELLER  
Name  
22888 W. N. LAKEWOOD LN.  
LAKE ZURICH, IL 60047  
Address  
2-4-15  
Date

  
Signed  
MARYANN RYAN  
Name  
1785 JOHN COURT  
LAKE ZURICH, IL 60047  
Address  
2-4-15  
Date

Amy Foor-Noland  
Signed

Amy Foor-Noland  
Name

715 John Ct.

Lake Zurich, IL 60047  
Address

2/4/2015  
Date

Sam Fazio  
Signed

SAM FAZIO  
Name

725 JOHN CT.

LAKE ZURICH IL 60047  
Address

2-4-2015  
Date

Joyce Bozacki-Rae  
Signed

Joyce Bozacki-Rae  
Name

1076 O'Malley Ct.

Lake Zurich, IL  
Address

2-4-15  
Date

Melissa R Pearlman-Rich  
Signed

Melissa R Pearlman-Rich  
Name

22870 N. Lakewood Ln.

Lake Zurich, IL 60047  
Address

2-4-15  
Date

Mary Toups Miske  
Signed

MARY TOUPS MISKE  
Name

22836 N LAKEWOOD LN

LAKE ZURICH, IL 60047  
Address

2/4/15  
Date

Cheryl Gorey  
Signed

CHERYL Gorey  
Name

22915 N Lakewood Ln

Lake Zurich IL 60047  
Address

2-4-15  
Date

Larry W. Schaedel  
Signed

Larry W. Schaedel  
Name

24144 N. Gabriel dr.

Lake Zurich, IL 60047  
Address

2-4-2015  
Date


Sheri Buerger  
Signed

Sheri Buerger  
Name


8410 W. Bryn Mawr 700 John Cant

Lake Zurich, IL 60047  
Address

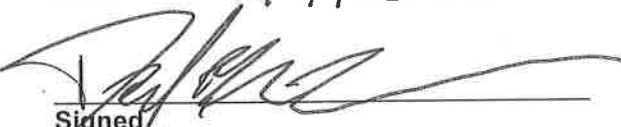
2/4/2015  
Date

  
Signed  
Name Rose Arendarczyk  
720 John Ct.  
Lake Zurich, IL 60047  
Address  
2/4/2015  
Date

Signed  
Name  
Address  
Date

  
Signed  
Name Donna Fitzpatrick  
705 John Court  
Lake Zurich  
Address  
IL 60047  
Date 2/4/2015

Signed  
Name  
Address  
Date

  
Signed  
Name Daniel McManus  
22937 W North Lakewood Ln  
Address  
02/04/2015  
Date

Signed  
Name  
Address  
Date

Signed  
Name  
Address  
Date

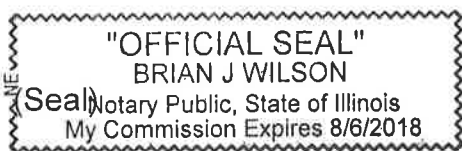
Signed  
Name  
Address  
Date



State of Illinois )  
 ) SS  
County of Lake )

I, Brian J. Wilson, a Notary Public in the State of Illinois *identified by*  
aforesaid, do hereby certify that those listed on page 4, 5, 6 and 6.5, ~~personally known to me~~ *their drivers*  
is (are) the person(s) who executed the foregoing instrument bearing the date of 2/4/2015 *licenses*  
and appeared before me this day in person and acknowledged that he *BW*  
(they) signed, sealed and delivered the same instrument for the uses and purposes therein set  
forth.

Given under my hand and Notarial Seal this 4<sup>th</sup> day of February, 2015.



*Brian J. Wilson*

My Commission expires 08/06/2018.

**Note: It is solely the responsibility of the applicants to make sure that all information submitted, including the legal and general description of the property, is accurate as the information will be used for publication of the legal notice required by the Statutes. The County disclaims all responsibility if any of the information submitted by applicants is inaccurate.**

**The required filing fee and the "court reporter acknowledgement" must accompany the Appeal.**

[http://www.lakecountyil.gov/Planning/publications/More%20Publications/Land\\_Development\\_Fee\\_Schedule.pdf](http://www.lakecountyil.gov/Planning/publications/More%20Publications/Land_Development_Fee_Schedule.pdf)

**Regardless of the final action on your appeal, all fees including application fee and publication costs are non-refundable.**

**LAKE COUNTY ZONING BOARD OF APPEALS  
PROCEDURE OF HEARING FOR AN ADMINISTRATIVE APPEAL**

1. Calling Meeting to order.
2. Roll call and determination of quorum.
3. Pledge of Allegiance (if flag is present).
4. Preliminaries by Chairman: acknowledge publication and posting of the property; stating purpose of hearing; administering oath to those who are to testify; explaining procedure to be followed the remainder of the hearing.
5. Comments received from the County departments are acknowledged.
6. Presentation of evidence by the Appellant or his representative.
  - Opening statement.
  - Testimony by the Appellant's witnesses.
  - Questioning of each witness by the Members of the Zoning Board.
  - Questioning of each witness by any person attending this hearing. (NOTE: This is an opportunity only to question the witnesses, not to make statements or offer personal testimony).
  - Close of Appellant's evidence.
7. Presentation of evidence of the administrative official.
  - Opening statement.
  - Testimony by witnesses.
  - Questioning of each witness by the Members of the Zoning Board.
  - Questioning of each witness by any person attending this hearing.
8. Statements or evidence by interested participants attending this hearing.
  - Presentation of statements, testimony or evidence by any witness.
  - Questioning of each witness by the Members of the Zoning Board.
  - Questioning of each witness by the Appellant or other persons attending this hearing.
9. Rebuttal by Appellant.
10. Closing statement by the Appellant or his representative if desired.
11. Closing statement by the Administrative Official or his representative if desired.
12. Closing of testimony.
13. Zoning Board recommendation.
14. Adjournment.



## CHICAGO TITLE INSURANCE COMPANY

*Exhibit A*

ORDER NUMBER: 1409 000643061 LZ  
 STREET ADDRESS: 22843 NORTH LAKEWOOD LANE  
 CITY: LAKE ZURICH COUNTY: LAKE  
 TAX NUMBER: 14-16-100-056-0000  
 14-16-100-057-0000  
 LEGAL DESCRIPTION:

PARCEL 1: THAT PART OF LOT 4 IN SCHOOL TRUSTEES SUBDIVISION OF SECTION 16, TOWNSHIP 43 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT IN THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 16, TOWNSHIP 43 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, SAID POINT BEING NORTH 63 DEGREES 43 MINUTES EAST 260.6 FEET FROM A POINT IN THE WEST LINE OF AFORESAID QUARTER QUARTER SECTION 594.25 FEET SOUTH OF THE NORTHWEST CORNER THEREOF; THENCE EAST PARALLEL WITH THE SOUTH LINE OF SAID QUARTER QUARTER SECTION 371.0 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE NORTH 0 DEGREES 41 MINUTES EAST, 274.73 FEET TO THE CENTER OF THE PUBLIC ROAD; THENCE NORTH 77 DEGREES 22 MINUTES EAST ALONG THE CENTER LINE OF SAID PUBLIC ROAD, 726.25 FEET; THENCE SOUTH 87 DEGREES EAST ALONG THE CENTERLINE OF SAID PUBLIC ROAD, 108.2 FEET TO THE INTERSECTION OF THE CENTERLINE OF THE AFORESAID PUBLIC ROAD WITH THE CENTERLINE OF PUBLIC HIGHWAY KNOWN AS STATE AID ROUTE 15; THENCE SOUTH 43 DEGREES 40 MINUTES WEST ALONG THE CENTERLINE OF SAID STATE AID ROUTE 15, 594.15 FEET TO A POINT IN THE CENTERLINE THEREOF, 849.68 FEET NORTH OF THE SOUTH LINE OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 16, THENCE WEST PARALLEL WITH THE SOUTH LINE OF THE LAST AFORESAID QUARTER QUARTER SECTION, 409.34 FEET TO THE PLACE OF BEGINNING.... (EXCEPTING THEREFROM THAT PART LYING WEST OF THE FOLLOWING DESCRIBED LINE: COMMENCING AT THE AFORESAID POINT OF BEGINNING; THENCE NORTH 0 DEGREES 41 MINUTES EAST, 274.73 FEET TO THE CENTER OF THE PUBLIC ROAD; THENCE NORTH 77 DEGREES 22 MINUTES EAST ALONG THE CENTER LINE OF SAID PUBLIC ROAD, 327.19 FEET FOR THE NORTHERLY TERMINUS OF SAID LINE; THENCE SOUTH 12 DEGREES 38 MINUTES EAST AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE 356.77 FEET MORE OR LESS TO THE SOUTHERLY TERMINUS OF SAID LINE, SAID SOUTHERLY TERMINUS BEING ON THE SOUTH MOST LINE OF PARCEL), IN LAKE COUNTY, ILLINOIS.

PARCEL 2: THAT PART OF LOT 4 IN SCHOOL TRUSTEES SUBDIVISION OF SECTION 16, TOWNSHIP 43 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT IN THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 16, TOWNSHIP 43 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, SAID POINT BEING NORTH 63 DEGREES 43 MINUTES EAST 260.6 FEET FROM A POINT IN THE WEST LINE OF AFORESAID QUARTER QUARTER SECTION 594.25 FEET SOUTH OF THE NORTHWEST CORNER THEREOF; THENCE EAST PARALLEL WITH THE SOUTH LINE OF SAID QUARTER QUARTER SECTION 371.0 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE NORTH 0 DEGREES 41 MINUTES EAST, 274.73 FEET TO THE CENTER OF THE PUBLIC ROAD; THENCE NORTH 77 DEGREES 22 MINUTES EAST ALONG THE CENTER LINE OF SAID PUBLIC ROAD, 726.25 FEET; THENCE SOUTH 87 DEGREES EAST ALONG THE CENTERLINE OF SAID PUBLIC ROAD, 108.2 FEET TO THE INTERSECTION OF THE CENTERLINE OF THE AFORESAID PUBLIC ROAD WITH THE CENTERLINE OF PUBLIC HIGHWAY KNOWN AS STATE AID ROUTE 15; THENCE SOUTH 43 DEGREES 40 MINUTES WEST ALONG THE CENTERLINE OF SAID STATE AID ROUTE 15, 594.15 FEET TO A POINT IN THE CENTERLINE THEREOF, 849.68 FEET NORTH OF THE SOUTH LINE OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 16, THENCE WEST PARALLEL WITH THE SOUTH LINE OF THE LAST AFORESAID QUARTER QUARTER SECTION, 409.34 FEET TO THE PLACE OF BEGINNING.... (EXCEPTING THEREFROM THAT PART LYING WEST OF THE FOLLOWING DESCRIBED LINE: COMMENCING AT THE AFORESAID POINT OF BEGINNING; THENCE NORTH 0 DEGREES 41 MINUTES EAST, 274.73 FEET TO THE CENTER OF THE PUBLIC ROAD; THENCE NORTH 77 DEGREES 22 MINUTES EAST ALONG THE CENTER LINE OF SAID PUBLIC ROAD, 157.19 FEET FOR THE NORTHERLY TERMINUS OF SAID LINE; THENCE SOUTH 12 DEGREES 38 MINUTES EAST AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE 317.83 FEET MORE OR LESS TO THE SOUTHERLY TERMINUS OF SAID LINE, SAID SOUTHERLY TERMINUS BEING ON THE SOUTH MOST LINE OF PARCEL) .... (ALSO EXCEPTING THEREFROM THAT PART LYING EAST OF THE

FOLLOWING DESCRIBED LINE: COMMENCING AT THE AFORESAID POINT OF BEGINNING; THENCE NORTH 0 DEGREES 41 MINUTES EAST, 274.73 FEET TO THE CENTER OF THE PUBLIC ROAD; THENCE NORTH 77 DEGREES 22 MINUTES EAST ALONG THE CENTER LINE OF SAID PUBLIC ROAD, 327.19 FEET FOR THE NORTHERLY TERMINUS OF SAID LINE; THENCE SOUTH 12 DEGREES 38 MINUTES EAST AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE 356.77 MORE OR LESS TO THE SOUTHERLY TERMINUS OF SAID LINE, SAID SOUTHERLY TERMINUS BRING ON THE SOUTH MOST LINE OF PARCEL), IN LAKE COUNTY, ILLINOIS.

3

## Introduction

The property, commonly referred to as "Midlothian Manor" (the "Manor"), is located in a low-density residential neighborhood near schools, playing fields and homes. The proposed use for Midlothian Manor is to relocate 14 mentally ill and chronically homelessness residents, some of whom may have criminal backgrounds from North Chicago, into the Manor. In order to accomplish this, the Lake County Housing Authority sought and received an occupancy permit, so as to reclassify the use of the Manor to a "government use". Once a certificate of occupancy is obtained, residents can immediately begin moving into the said property. The proposed use violates applicable Lake County zoning laws and therefore so does the issuance of the occupancy permit. By virtue of this appeal, and pursuant to section 3.14 of the UDO all proceedings/actions relative to the occupancy permit are stayed.

## Discussion

The Subject Property, commonly referred to as "Midlothian Manor" is located in Ela Township, unincorporated Lake County, Illinois, and its land use is governed by the Unified Development Ordinance of Lake County Illinois (hereinafter the "UDO"). It lies in close proximity to schools, playing fields, parks and homes. See aerial exhibit attached as Exhibit A. Between 1999 and 2000, the ownership of the Subject Property transferred to the LCHA. LCHA has owned and operated the Subject Property purportedly under the authority of the Illinois Housing Authorities Act. 310 ILCS 10/1et seq. (the "Act").

Section 10 of the Act states:

*All projects of an Authority shall be subject to the planning, zoning, sanitary and building laws, ordinances and regulations applicable to the locality in which the project is to be situated.*

LCHA continued to use and operate the Subject Property as an assisted living facility, however, did not formally re-classify the use. According to the UDO, the Subject Property is located in an R-1 residential zoning district, as indicated on the UDO's Ela Township Zoning Map (a copy of which is attached hereto as Exhibit B).

The UDO describes R-1 Residential Districts as follows:

The E, Estate and R-1 districts are intended to accommodate low-density, large-lot residential, development and to ensure the protection of areas that develop in such a manner.... Like the RE district, the E and R-1 districts are expected to accommodate only a very small amount of the county's overall housing needs. These districts primarily serve those households who desire to live in low-density estate areas and are willing to assume the costs of doing so. Because of the relatively sparse population in E-zoned and R-1 zoned areas, the county *will not* [emphasis added] give high priority to the provision of public services in such areas. Instead, public service provision by the county will be concentrated in areas where more

intense future development is called for by the Regional Framework Plan.  
[Revised 11.08.05]

A Group Living Use, which is a use category *not* permitted in the R-1 district, is described by the UDO as follows:

Group Living is characterized by the residential occupancy of a structure by a group of people who do not meet the definition of Household Living. Examples include dormitories, fraternities, sororities, monasteries and convents.

The use shall be subject to the Site Capacity Calculations/Site Plan Review procedures of Sec. 4.1. [Revised 11.09.04]

Tenancy shall be arranged on a monthly or longer basis.

The residents may receive care, training, or treatment, and care givers may reside at the site. Group Living structures typically contain sleeping areas, 1 or more cooking, eating and sanitary facilities, and a common eating area for residents. There are operational requirements that apply to Government Use when the property is located within a platted residential subdivision and takes direct access to a local road. Id. at § 6.3.23. In regard to Government Use, the UDO states, the "...Hours of Operation shall be limited to 8 a.m. to 8 p.m. Government Use (with 10,000 sq.ft. or less of assembly space) is a conditional permitted use in a R-1 district.

Under the UDO, assembly space is defined as "Space intended to accommodate a group of people gathered together, for a particular purpose, whether religious, political, educational, or social. Assembly space may include but shall not be limited to meeting rooms/halls, classrooms, worship halls, and social halls." The proposed PADS facility includes many communal areas for residents to gather and socialize. PADS has acknowledged admitted that the facility has "meeting rooms".

LCHA intends to lease the Subject Property to PADS so that there will be permanent housing for the chronically homeless and for those with serious mental illness or criminal backgrounds. In fulfilling this dramatic change of use in the R-1 district, PADS will immediately relocate 14 residents from the Captain James A. Lovell Federal Health Care Center Home in North Chicago to the Subject Property. The proposed use would be the only one of its kind in an R-1 County Zoning District. It is unknown whether the PADS staff will be qualified, licensed, or have proper training to serve the proposed residents on a 24-hour basis. It is further unknown how and whether security will be provided for residents.

In light of the lack of information provided to the Residents by LCHA and PADS about the proposed use, the arguments above and the fact that there is a clear disconnect between the characteristics of Government Use as defined in the UDO and the proposed intended use, the UDO has been violated and disregarded. Importantly, UDO "is intended to protect the health, safety, and general welfare of existing and future residents of the unincorporated area of Lake

County..." Unified Development Ordinance of Lake County, Illinois at § 1.5. This goal is not being accomplished through the issuance of the said occupancy permit

As stated above, PADS proposed use does not conform to the operational requirements applied to Government Use, as set forth in the UDO. Specifically, the proposed use is for a PADS facility that operates 24-hours a day, 7 days a week. In contrast, operations hours for Government Use, when the property is located in a residential subdivision, is limited to 8 a.m. to 8 p.m. Second, Government Use is only a permitted use in R-1 district if there is no assembly space. The proposed use includes areas of assembly, such as communal living spaces. If the assembly space is 10,000 sq.ft. or less in Government Use, this is considered a conditional permitted use in a R-1 District. Finally, the UDO provides a list of example "Government Buildings (or Uses)" which illustrate the intent of how a Government Use can be defined and allowed. These examples include; township and forest preserve structures, postal offices, public sewage plants, public water treatment plants, fire stations and public libraries. When compared to the proposed PADS facility, these examples bear little resemblance to the proposed "group living use on the Subject Property. Clearly PADS' proposed use is more akin to Group Living Use, which is *not* permitted in a R-1 District. The Occupancy Permit was thus wrongfully issued. An Occupancy Permit, based upon the proposed use; is thus a complete disregard of the UDO.

# EXHIBIT A





22843 W. North Lakewood Lane Lake Zurich 60047

United States Gymnastics Training Center

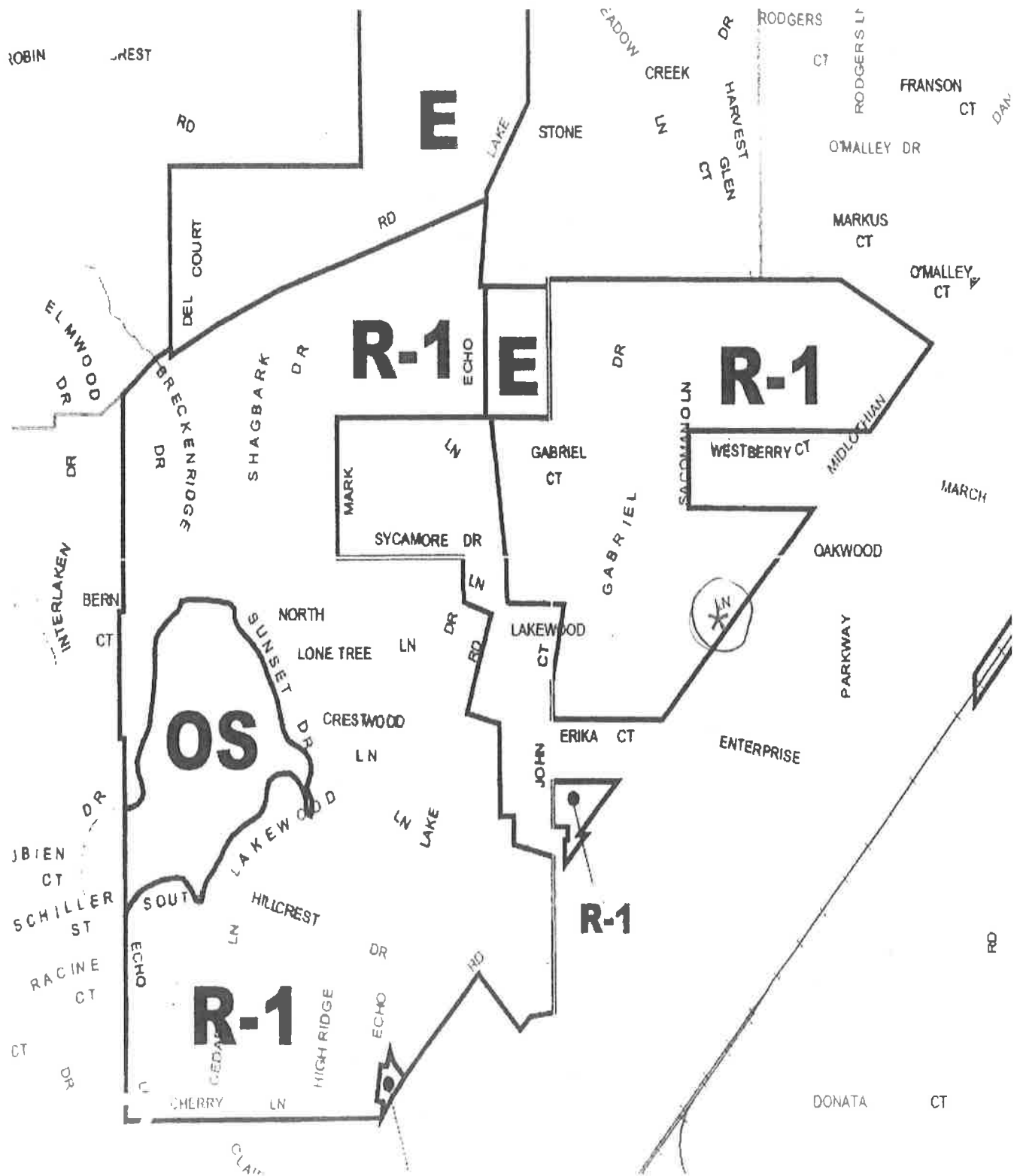
Elia Township Soccer Fields

Lake Zurich High School

© 2015 Google

Imagery Date: 4/2/2013 12:12:30.84" N 88°04'40.83" W elev 886 ft


# EXHIBIT B



## COURT REPORTER ACKNOWLEDGEMENT

### CHECK ONE OF THE FOLLOWING:

- ☐ I authorize the County to act on my behalf to retain a Certified Shorthand Reporter to transcribe the public hearing and provide a transcript to the Zoning Board of Appeals. I further agree to pay the Reporter reasonable fees for his/her services. If I do not pay the Reporter and the County is invoiced and pays the Reporter, I agree to reimburse the County. If the County sues to obtain reimbursement, I agree to pay the County its reasonable attorney's fees in bringing suit and obtaining a judgment.
- ☒ I will furnish a Certified Shorthand Reporter to transcribe the public hearing and provide a transcript to the Zoning Board of Appeals. I realize that the failure to do so may result in the continuation of the public hearing in which case I agree to reimburse the County for all additional expenses caused by such continuation.

  
\_\_\_\_\_  
Signature  
DANIEL SHAPIRO  
ATTORNEY FOR APPLICANT(S)

**THIS SIGNED ACKNOWLEDGEMENT MUST ACCOMPANY YOUR APPLICATION**