

June 29, 2015

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: 7204 Rezoning

REQUESTED ACTION: Rezoning from the Recreational Commercial (RC) zoning district to the Residential-1 (R-1) zoning district.

HEARING DATE: July 6, 2015

GENERAL INFORMATION

APPLICANTS: Robert and Barbara Kraus

OF PARCELS: Two (2)

SIZE: 0.29 and 0.30 acre, respectively

LOCATION: 25389 W. Richmond Avenue & 25379 W. Richmond Avenue, Antioch, Illinois. PINs 01-25-409-019 & 01-25-409-020

EXISTING ZONING: Recreational Commercial (RC)

PROPOSED ZONING: Residential-1 (R-1)

EXISTING LAND USE: Single-family residence and vacant

PROPOSED LAND USE: New single-family residence

SURROUNDING ZONING / LAND USE

NORTH: Residential-1 (R-1) / Single-family dwellings

EAST: Recreational Commercial (RC) / Single-family residence

WEST: Recreational Commercial (RC) / Single-family residence
SOUTH: Open Space (OS) / Petite Lake

COMPREHENSIVE PLANS

LAKE COUNTY: Retail/Commercial
MUNICIPALITIES WITHIN 1 1/2 MILES: Village of Lake Villa: not designated

DETAILS OF REQUEST

ACCESS: Direct access is provided via West Richmond Avenue.
FLOODPLAIN / WETLAND: According to the County's GIS, the southern edge of the properties contain mapped wetlands and floodplain.
SEWER AND WATER: Private well and septic system.

ADDITIONAL STAFF COMMENTS

Lake County Division of Transportation - Comments by Betsy Duckert

West Richmond Avenue is maintained by Antioch Township; therefore, LCDOT offers no comments on the requested rezoning.

Lake County Health Department - Comments by Mark Mussachio

This Department has no objection from rezoning from RC to R-1.

Lake County Environmental Engineering Division - Comments by Eric Steffen

This Division has no objection to the proposed rezoning from RC to R-1. A Site Development Permit will be required for the proposed house.

Lake County Building Division – Comments by Bob Springer

The Building Division has no objection to the granting of this rezoning.

ADDITIONAL COMMENTS

On the 1966 Lake County Zoning Map, the subject properties were zoned Commercial Recreational (CR). On the 1988 Lake County Zoning Map, the subject properties were zoned as Neighborhood Conservation/ Commercial Recreation (NC/CR). The properties were designated Recreational Commercial (RC) in 2000.

The RC zone is primarily intended to accommodate commercial activities that are dependent upon locations near recreational resources, such as lakes. The RC district also accommodates retail sales and service and other convenience uses that customarily provide service near recreational areas. The regulations of the RC district are intended to encourage maintenance and upkeep of existing commercial recreation neighborhoods, while ensuring that any new development is similar in character and scale. In the subject case, the properties are currently vacant and residentially improved and take access off of a residential street; they have not been utilized for recreational commercial activities based on staff's historical research.

Additionally, in March of 2006 the property owner 50-feet to the west of the subject properties (25415 W. Richmond Avenue) requested a zoning change from RC to R-1 (Case #3535). As the applicant requested to change the use of the property from a tavern to a single-family dwelling, and the area was predominately single-family residential, on March 20, 2006, the ZBA voted 5-0 in favor of a favorable recommendation for the rezoning of Case #3535. In 2009, the property owner of 25415 W. Richmond Avenue applied for an interior alterations permit to covert the tavern into a 2-bedroom single-family dwelling.

RECOMMENDATION

In staff's opinion, based on the preponderance of the evidence relating to the map amendment approval criteria, the request satisfies the criteria and we therefore recommend approval, for the following reasons:

Map Amendment Approval Criteria – Lake County Code Section 151.047

Standard 1: The proposed amendment is consistent with the stated purpose and intent of Sec. 151.005

Comment: It is the intent of the property owners to demolish the existing single-family dwelling and build a new single-family dwelling upon both lots. The rezoning will not threaten the existing health safety and general welfare of existing or future Lake County residents. Based on ZBA case #3535, there is an established trend from the RC zone to the R-1 zone as single-family dwellings are located on both sides of Richmond Avenue with the exception of a tavern and boat storage facility at the corner of Hickory Avenue and Richmond Avenue.

It is also the intent of the Lake County Code to gradually eliminate uses, structures and situations that do not comply with the Ordinance. The rezoning of these parcels will eliminate the nonconformity of the current residential use in the

RC district and create a conforming use in the R-1 district. The width of both lots would remain nonconforming, and the lots would be nonconforming in area, as well. The characteristics of the surrounding community support low-density zoning, as denser districts, such as R-2, are intended to be applied in areas with existing infrastructure.

Standard 2: The proposed amendment corrects an error or inconsistency or meets the challenge of some changing condition in the area.

Comment: The RC zoning district is intended to accommodate commercial activities that are dependent upon locations near recreational resources, such as lakes. The use of the property of a single-family dwelling will not change. The proposed rezoning from RC to R-1 would decrease the intensity of permitted uses on the parcels. Given the existing single-family dwelling on the subject property and uses to the north, east, and west, it is staff's opinion that an R-1 zoning district designation would be in the future best interest of the surrounding neighborhood.

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

Comment: The uses to the north, east, and west are single-family dwellings. The use of the property of a single-family dwelling will not change. The proposed change of the zoning of the parcels to R-1 will be more consistent with the existing use of the properties and neighboring residential 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. A single-family use requires less facilities and services.

Comment: The properties have direct access to West Richmond Avenue. The property is served by septic and private water well. Adequate public facilities and services exist.

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 of the parcels will not have an adverse impact on other properties in the vicinity as the uses already exist and the purpose of the rezoning of the parcels is to align the underlying zoning with the existing use of the parcels. If the parcel is not rezoned, establishment of a more intensive use (allowed by right in the RC zoning district) would potentially have an adverse impact on the surrounding neighborhood.

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

Comment: The property is physically suitable for the general types of uses and development allowed in the R-1 zoning district. The surrounding residential community consists of single-family dwellings, and infrastructure is not available to support a zoning with a higher density. Rezoning this property to R-1 would match the use existing on the subject property and the predominant uses in the neighborhood.