

**APPROVED MINUTES**  
**VILLAGE OF ANTIOCH**  
**PLANNING AND ZONING BOARD**  
**MUNICIPAL BUILDING: 874 MAIN STREET, ANTIOCH, ILLINOIS**  
**December 13, 2007**

**CALL TO ORDER**

The Antioch Planning and Zoning Board meeting was called to order by Chairman Burdick at 7:30 p.m. in the Municipal Building, 874 Main Street, Antioch, Illinois 60002.

**ROLL CALL**

Roll call indicated the following members were present: Karasek, Keller, Kaiser and Cole. Also present were Chairman Burdick, Attorney Randall and Deputy Clerk Folbrick. Absent: Members Ralston and Ipsen.

**APPROVAL OF MINUTES**

Member Kaiser moved, seconded by Member Keller to approve the October 11, 2007 meeting minutes as amended. Upon roll call, the vote was:

**YES: 4:** Karasek, Keller, Kaiser and Cole.

**NO: 0.**

**ABSENT: 2:** Ralston and Ipsen.

**THE MOTION CARRIED.**

**ANNOUNCEMENTS AND CORRESPONDENCE**

Director Nilsen distributed the annual schedule of meetings for the 2008 calendar year.

**OLD BUSINESS**

No report.

**NEW BUSINESS**

***Appeal of Code Enforcement Action – 1188 Bowles Road*** – Deputy Clerk Folbrick administered the oath to those who wished to offer testimony.

**PETITIONER**

Attorney David Short represented the property owners at 1188 Bowles Road. He gave a brief presentation regarding the code enforcement action taken against the property. The two notices of violation included a violation of Village Code Section 10-5G-3 regarding exterior indications of a home occupation, and Village Code Section 10-2-1 & 10-5G-3 regarding a rental unit on the premises. Attorney Short addressed each violation separately.

Attorney Short's argument for the home occupation was that permission was previously sought, the code was incorrectly applied, and the intended use was conforming with other similar and approved home occupations. He continued his argument defining home occupations, exterior indications, and listed additional reasons to permit the swimming lessons at this residence. Attorney Short also provided letters from neighbors and other people showing support of the home based business. He added that Mrs. Reiser is willing to work with the board regarding any traffic concerns they may have.

Attorney Short continued with his argument to allow a rental unit on the premises. He defined a guest house and reviewed the timeline of the rental unit. He explained that the Reisers purchased the home with the intent to rent out the garage unit.

**BOARD COMMENT**

Member Cole asked for the size of the lot. Mr. Scott Reiser responded that it is approximately 100 feet by 400 feet. Member Cole asked when the property was annexed into the Village of Antioch. Director Nilsen replied that it was annexed approximately 1990. Attorney Short explained that the Reiser's have owned the property since 2004.

Member Karasek asked if there are any permit records for the property. Director Nilsen replied that there were permit records in 2005 for the main home.

Member Cole asked if there was a house torn down in order to build the new house, or if it was an empty lot. Attorney Short replied that there was a house that was torn down to build the new main house, but the rental unit remained.

**STAFF REVIEW**

Director Nilsen reviewed the timeline of the violation. He explained that the neighbor to the property, Mary Lou Cook, approached the Village Board of Trustees and issued a complaint stating that she was having problems getting resolutions to her issues, and that the property was not adhering to the zoning code. The Village Board of Trustees requested that staff look into the matter. Director Nilsen said that last year he provided the attorney and staff with the home based occupation guidelines and stated that it would not be allowed. He said that they

## APPROVED MINUTES

received anonymous complaints subsequent to the previous complaint, and instructed staff to inspect the site. At that time there was no indication of any violation, therefore no citation was issued in 2006. Following that was a complaint to the Village Board of Trustees in 2007. At that time, Director Nilsen instructed staff again to inspect the site. Staff did find exterior indications that something other than a residence was being conducted, and cited a violation. Additionally, he explained that the definition of a home-based occupation states that it must be conducted wholly within the structure, and an outdoor pool does not meet that criteria.

Director Nilsen addressed the rental unit violation at the home. He stated that construction occurred in 2004-2005 on the site consisting of raising and reconstruction of the new home. At that time the occupants of the home were given permission to use the secondary structure as a principle residence while constructing the new home. During that time, the rental use had ceased, and the act of renting the structure is now a violation of the code.

### **BOARD COMMENT**

Member Cole asked if there were any other properties with two residential structures located on one lot. Director Nilsen replied that there are, but to his knowledge they are not rental units.

### **PETITIONER**

Attorney Short addressed some of the comments made by Director Nilsen. He does not believe that vehicles dropping children off for the lessons is an external indication of a business. He also believes that there was a continuous use of the rental home, and it has all of the signs of being a rental property. Director Nilsen replied that it is a non-conforming use according to section 10-12-1 of the Village Code. There was a six month time period where the house was not used as a rental, and that would break the continuum.

Michelle Reiser stated that there was a renter in the home when they purchased the property. Member Kaiser asked how long the Reiser's occupied the rental unit while reconstructing their home. Ms. Reiser replied that they resided in the rental unit for approximately 14 to 16 months.

### **ATTORNEY**

Attorney Randall explained the 30-day appeal process, and asked why this was being brought before this Board at this time. Attorney Short replied that the Village approved the date for this appeal.

Attorney Randall concurred with staff on the code interpretation that there are external indications of the business, and that the rental unit lost its status as a rental when it was occupied by the Reisers.

### **ROLL CALL VOTE**

After further discussion, Member Karasek moved, seconded by Member Kaiser, to deny the appeal for notice of violations for 1188 Bowles Road for the rental unit based on the current Village code. Upon roll call, the vote was:

**YES: 4:** Karasek, Kaiser, Cole and Burdick.

**NO: 0.**

**ABSTAIN: 1:** Keller.

**ABSENT: 2:** Ralston and Ipsen.

**THE MOTION CARRIED AND WILL BE PRESENTED TO THE VILLAGE BOARD OF TRUSTEES.**

Member Karasek moved, seconded by Member Kaiser, to grant the appeal for the overturned violation of the home-based occupation of swimming lessons. Upon roll call, the vote was:

**YES: 3:** Karasek, Kaiser, and Cole.

**NO: 1:** Burdick.

**ABSTAIN: 1:** Keller.

**ABSENT: 2:** Ralston and Ipsen.

**THE MOTION CARRIED AND WILL BE PRESENTED TO THE VILLAGE BOARD OF TRUSTEES.**

***PZB 07-10 – A request for an Amendment to the Antioch Crossing Planned Unit Development to allow the Development of a Car Wash located at Antioch Crossing Phase II Subdivision, Outlot 5, Commonly Known as 309 Illinois Route 173, PIN 02-16-201-017 –***

Deputy Clerk Folbrick read aloud the notice of public hearing and administered the oath to those who wished to offer testimony.

Director Nilsen reviewed the request and said that the petition will be advertised, and a public hearing will be scheduled for January 10, 2008.

# APPROVED MINUTES

Member Keller moved, seconded by Member Kaiser, to continue PZB 07-10 to January 10, 2008. Upon roll call, the vote was:

**YES: 4:** Karasek, Keller, Kaiser and Cole.

**NO: 0.**

**ABSENT: 2:** Ralston and Ipsen.

**THE MOTION CARRIED.**

***PZB 07-11 – A request for a rezoning of the property to M-1, Limited Manufacturing pending Annexation of the property commonly known as 23360 Grimm Road and 23149 Illinois Route 83, Antioch, Illinois, PIN 02-17-200-024 and 02-17-400-042 -***

Deputy Clerk Folbrick read aloud the notice of public hearing and administered the oath to those who wished to offer testimony.

Mr. Tim Barrett of Great Lakes Principles provided a site introduction with regards to their petition. He reviewed the acquirement of the property and the relocation of the current business.

***The Board took a break at 8:46 PM and returned at 8:49 PM.***

Director Nilsen provided the signed affidavit of the required mailings.

Mr. Gene Porto of Great Lakes Principles reviewed the location, building size, landscaping, utilities, and their compliance with Lake County Storm Water Management.

Mr. Bill Sindilar, architect for the project, reviewed the building design, color scheme, building materials, lighting, building function, and business operations. He explained that the business is controlled by OSHA, and is a self-contained operation. There will be no outside activity at this location.

Chairman Burdick stated that the comprehensive plan shows the property in a business zone.

Director Nilsen reviewed his staff report, which included the site specifications, zoning of the property, and the use compatibility. He requested more time for staff to refine the product before a recommendation can be made.

Member Cole moved, seconded by Member Keller, to continue PZB 07-11 to January 10, 2008. Upon roll call, the vote was:

**YES: 4:** Karasek, Keller, Kaiser and Cole.

**NO: 0.**

**ABSENT: 2:** Ralston and Ipsen.

**THE MOTION CARRIED.**

## **ADJOURNMENT**

There being no further discussion, Member Keller moved, seconded by Member Kaiser to adjourn the Planning and Zoning Board meeting at 9:22 p.m.

Respectfully Submitted,

---

Lori K. Folbrick  
Deputy Clerk