

**RESOLUTION NO. 15-41**

**A RESOLUTION APPROVING A VARIANCE FOR THE  
USAGE OF CERTAIN ARCHITECTURAL LIGHTING STYLES AT 966 MAIN  
STREET (FILE NO. PZB 15-04)**

**WHEREAS**, Kent and Ginger Ipsen are the record owner of certain commercial property located at 966 Main Street within the Village of Antioch, PIN 02-08-310-060 & 02-08-310-038, which property is legally described as set forth on Exhibit A hereto, and which property is hereafter described as the “Subject Property”, and

**WHEREAS**, Kent and Ginger Ipsen (hereinafter described as the “Petitioners”), have petitioned the Village for a variance to allow the use of LED lighting that shall outline certain architectural features where typically prohibited by the Antioch Municipal Code section 10-14-11 on the said property, and

**WHEREAS**, the said Petition, including all plans, drawing and specifications is attached hereto as Exhibit B, and

**WHEREAS**, the Combined Planning Commission and Zoning Board (“PZB”) conducted a public hearing, following notification as required by law, on April 9th, 2015, and

**WHEREAS**, following testimony from the petitioner, Staff and the public, the PZB concluded with a positive recommendation, and

**WHEREAS**, the recommendation of the PZB is attached hereto and incorporated herein as Exhibit C, and

**WHEREAS**, the Village Board has received the recommendations of the PZB, and has duly deliberated upon the issues and it thereupon makes the following factual findings:

1. The proposed lighting is contemplated within a larger remodel and presents an approach that reflects a mid century architectural styling familiar to the area. will not adversely affect adjoining properties consistent with the Village’s Zoning Code, and in particular, it will not:
  - a. Impair adequate supply of light and air to adjacent property;
  - b. Unreasonably increase the congestion in public streets;
  - c. Increase the danger of fire or endanger public safety;
  - d. Unreasonably diminish or impair established property values within the surrounding area; or
  - e. Merely serve as a convenience to the applicant.
2. The existing site conditions set forth hereinabove are not generally applicable within the zoning district;

3. The Petitioner has demonstrated that allowing the lighting installation in conjunction with the overall remodel and building style is consistent with the drawings and plans set forth in her application will materially benefit her property and enhance those surrounding it;
4. The proposed variance keeps with the overall intent of the building and zoning codes, particularly in the architectural and urban design guidelines and standards set forth in Village Ordinances and Comprehensive Plan.

**NOW, THEREFORE, BE IT RESOLVED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF ANTIOCH, ILLINOIS, AS FOLLOWS:**

**SECTION ONE.** The Mayor and Board of Trustees of the Village of Antioch hereby find the facts as stated in the preamble hereof are true and correct and said findings are made a part of this Resolution.

**SECTION TWO.** A variance from Section 10-14-11 of the Antioch Municipal Code is hereby granted to Ginger and Kent Ipsen to install and maintain an LED lighting feature in substantial conformance with the plans and specifications set forth in her Exhibit B petition;

**SECTION THREE:** Staff is directed to issue a building permit in the ordinary course to the petitioners consistent with the provisions of this Resolution;

**SECTION FOUR.** This Resolution shall be in full force and effect from and after its passage and approval as provided by law.

YEAS: 6: Macek, Poulos, Jozwiak, Dominiak, Pierce and Johnson.

NAYS: 0.

ABSENT: 0.

PASSED and APPROVED this 4<sup>th</sup> day of May, 2015.

  
LAWRENCE M. HANSON, Mayor

ATTEST:

  
LORI K. FOLBRICK, Clerk, Village of Antioch



RESOLUTION NO. 15-41

Exhibit "A"

Legal Description of Property

County Clerk's Subdivision; Lot 96 (except parts described as followed, beginning South East Corner of Lot 96, S88D50'49"W 36.84', N15D40'56"W 53.25', N89D31'43"E 37.12', S1D30'28"E 52.75' to point of beginning.

VILLAGE OF ANTIOCH, LAKE COUNTY

Department of Planning, Zoning & Building
Mailing Address: 874 Main Street Office Location: 882 - B Main Street
Antioch, Illinois 60002
Weekday Hours: 7:30 AM To 4:00 PM Phone: (847) 395-9462 Fax: (847) 395-9482

FILE NO. PZB 15-04
HEARING DATE 4/09/2015

REQUEST FOR ZONING VARIATION
BEFORE THE COMBINED PLANNING COMMISSION AND ZONING BOARD
VILLAGE OF ANTIOCH, ILLINOIS
(Submit original plus 20 copies)

PETITION

TO: The Chairperson and Members of the Combined Planning Commission and Zoning Board of Appeals, Antioch, Illinois.

Petitioners (Names): Kent IPSEW
GIBBER IPSEW

certify that they are the owner(s) of the following described real estate:

(Attach the Legal Description as shown on Warranty Deed or recent Certified Plat of Survey)

PERMANENT INDEX NUMBER (S), (PIN): 02-02-08-310-060
(From latest real estate tax bill) 02 08 310 038

That said premises are now classified under the Zoning Ordinance as VC
(Current Zoning)

and that under said classification the petitioner(s) is/are prohibited from building/operating the following use(s): LED LIGHTING BAND AROUND AWNING

Said building/uses are depicted on the attached drawings prepared by
dated
and made a part of this petition.

A VARIATION(s) is hereby requested to the following Sections of the Zoning Ordinance:
10-11-14 NEON TUBE LIGHTING OR LIGHT EMITTING DIODE LIGHTING OUTLIVING, OR ILLUMINATING THE FEATURES OF A GROUND GRAPHIC BUILDING, STRUCTURE, OR WINDOW

in order to permit the LED LIGHT BAND AT AWNING LEVEL

on the property described herein. Specifically, the details of the requested variation(s) is as follows:

Title 10- ____ - ____	Requirement	Requested Variation
10.14.11 (R)	PROHIBITION: neon tube LIGHTING/LED OUTLINING OR ILLUMINATIVE FEATURES OF A BUILDING	ADD LED LIGHTING TO STORE FRONT AWNINGS ONLY

**REASONS FOR REQUESTED VARIATION**

1. What characteristics of the property-in-question prevent its being used for any of the uses permitted in your zoning district?  
 Narrow lot width \_\_\_\_\_ Slope or Elevation \_\_\_\_\_  
 Small lot area \_\_\_\_\_ Lot Shape \_\_\_\_\_  
 Shallow lot depth \_\_\_\_\_ Wet Soil or Flood Plain \_\_\_\_\_

Other (specify) EXISTING REMODELED DAIRY QUEEN WHICH WAS BUILT IN 1958 HAS BEEN REMODELED TO DAIRY QUEEN CORPORATE STANDARDS.

2. Describe the condition(s) identified in item #1, above, giving dimensions where appropriate.

SEE SUBMITTAL & ARCHITECTURAL PHOTOS OF MODEL BUILDING & EXAMPLE OF WHAT WE BELIEVE THE INTENT OF THE ORDINANCE LOOKS TO DISCOURAGE

3. Specifically, how do the above site conditions prevent any reasonable use of your land under the terms of the Zoning Ordinance?

PROPER LIGHTING IS ESSENTIAL FOR CORPORATE IMAGE AND SUCCESS OF THE FRANCHISE, REMODEL INCENTIVES ARE NOT AVAILABLE TO STORES THAT DO NOT INVEST

4. To the best of your knowledge, can you affirm that the hardship or practical difficulty described above was not created by an action of anyone having property interests in the land after the Zoning Ordinance, or applicable part thereof, became law?

Yes  No  If "no" explain why the hardship should not be regarded as self-imposed: \_\_\_\_\_

\_\_\_\_\_

5. Are the conditions on your property the result of other man-made changes, (such as the relocation of a road)?

Yes  No  If "yes" please describe: THIS IS A CORPORATE MANDATE WHEN REIMAGING

6. Are the conditions of hardship or practical difficulty for which you request a variation true only of your property?

Yes  No  If "no" how many other properties are similarly affected, and where are they located?

THIS IS TRUE FOR ALL FRANCHISES UNDER D.Q. MANDATES,  
WE ARE ONE OF THE FEW MID CENTURY BUILDINGS IN THE VILLAGE CORE <sup>WITH MID CENTURY ARCHITECT</sup>

7. Elaborate on how the requested variation will result in a physical improvement that will be in harmony with the neighborhood and the purpose and intent of the Zoning Ordinance.

THE LIGHTING BAND WILL CONFORM WITH ALL CURRENT  
IMAGE FRANCHISES AND THE MID CENTURY ARCHITECTURAL MOTIF.

I (we) have read the NOTICE TO APPLICANTS REQUESTING ZONING VARIATIONS and Title 10 of the Antioch Zoning Ordinance. Specifically, I (we) understand that if a variation is approved through an Ordinance by the Village Board, that the use allowed by the variation must be established within 24 months from the date of the Ordinance.

I (we) acknowledge that any and all drawings, submitted herewith, of buildings and structures are preliminary or conceptual in nature; Final details regarding the construction of such structures shall be in full compliance with the technical codes adopted within the Antioch Village Code, and in force and effect at the time of the specific and complete permit application, (unless specifically authorized in writing under the terms of the approved variation).

I (we) consent to the entry in or upon the premises described in this application by any authorized official of the Village of Antioch, Illinois, during normal working hours, for the purposes of : viewing that part of the site and/or structures related to this request; and for the posting, maintaining, and removing such notices as may be required by law.

Attorney for the Petitioner:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Applicant address: 966 MAIN  
ANTIOCH IL  
\_\_\_\_\_

Day phone: (847) 395 8383

Evening Phone: ( ) \_\_\_\_\_

Email  
Fax: ( ) KentIPsen@gmail.com

[Signature] \_\_\_\_\_ 3-19-15  
Applicant Signature Date

\_\_\_\_\_  
Attorney Signature Date

Kent and Ginger Ipsen  
Antioch Dairy Queen  
966 Main Street  
Antioch, IL 60002

March 20, 2015

Re: Property Lighting

Dear Antioch Planning and Zoning Board,

This proposal letter is to request and substantiate the grant of a variance for a business at 966 Main Street, Antioch, IL 60002, currently operating as Dairy Queen.

The petitioner requests a variance allowing the use of LED band lighting to wrap around the front of the building along the awning and will only occur there. The reason for the request is primarily to bring the property into visual harmony with the current Dairy Queen image, and is also mandated by corporate headquarters.

The proposed LED band is requested in order to provide the brand identity, which all franchises need to be successful.

It is the absolute intent of myself, the petitioner, to install a LED band that is done tastefully and in harmony with the overall architectural aesthetic of the remodeled structure. As the board knows, the Village Core (Downtown Antioch), is always searching to keep businesses vibrant. We have recently invested in the full remodel of our building, inside and out. We have invested greatly in keeping this downtown thriving.

Antioch Dairy Queen, 966 Main Street, respectfully requests that the variances applied for in this case be granted. This is a Dairy Queen Corporate mandate and I need to meet all corporate standards in order to receive Dairy Queen incentives. This project will enhance the downtown area and is the start of reinvesting in the future of our beautiful downtown.

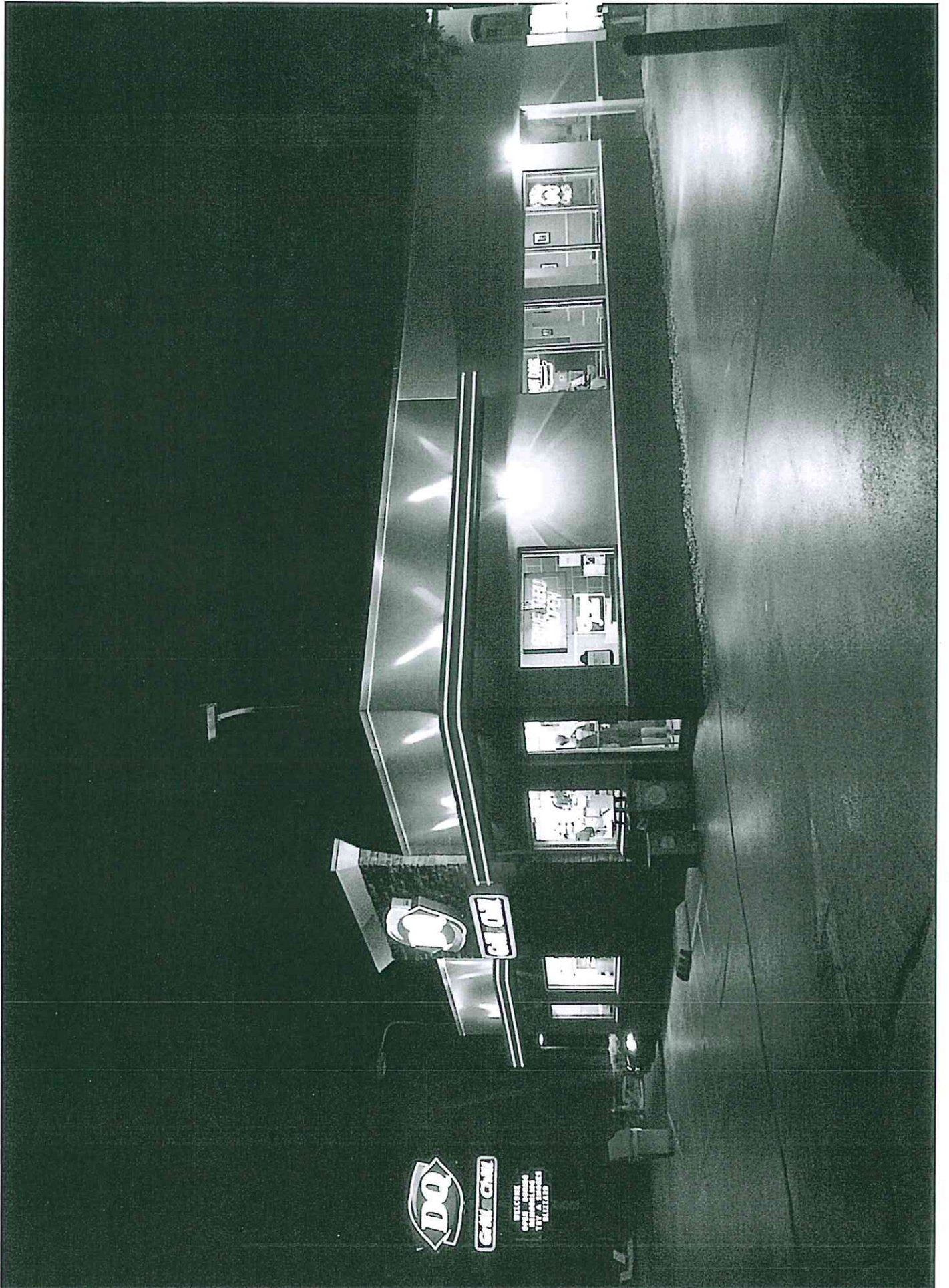
Respectfully,

Kent and Ginger Ipsen  
Antioch Dairy Queen











We think the code is trying to prevent this



Kent and Ginger Ipsen  
Antioch Dairy Queen  
966 Main Street  
Antioch, IL 60002

March 20, 2015

Lakes Region Historical Society  
965 Main Street  
Antioch, IL 60002

Subject: Proposed Zoning Variance

Dear property owner,

Village of Antioch ordinances require that adjacent property owners within 200 feet of a property be notified of proposed zoning variation. This letter serves to notify you of the proposal to add LED light banding to the awning at 966 Main Street.

The reason for this zoning variation is that Dairy Queen Corporate mandates the use of this architectural banding. The Village code prohibits the use of LED or neon lighting for architectural accents.

The public hearing is scheduled as follows:

DATE: Thursday, April 9, 2015  
TIME: 7:30 PM  
PLACE: Board Room, Village Hall  
874 Main Street

You are welcome to attend the hearing and state your opinion. If you cannot attend the hearing and would like your opinion known, please send a letter to:

Combined Planning Commission & Zoning Board  
Village of Antioch  
874 Main Street  
Antioch, IL 60002  
Phone: (847)395-1000  
Fax: (847)395-1920

Thank You,

Kent and Ginger Ipsen  
Antioch Dairy Queen

## AFFIDAVIT OF NOTIFICATION TO ADJACENT PROPERTY OWNERS

Following are the names and addresses of surrounding property owners within 200 feet in all directions as measured from the boundaries of the property-in-question. Said names are as recorded in the Office of the County Recorder of Deeds, (or the Registrar of Titles of the County), as appear from the authentic tax records of Lake County, and as available from the Antioch Township Assessor's Office.

<u>NAME</u>	<u>ADDRESS</u>	<u>PROPERTY INDEX NO.</u>
William + DORTHY WOLFENBARBER	970 VICTORIA	020830947
JAMES + SUZANNE DEROUSSE	984 VICTORIA	0208309075
STEVEN SOPMAN	386 LAKE ST	0208310003
ALBERTO OLIVERII	384 LAKE ST	020810004
MICHAEL W GANTAR	382 LAKE ST	0208310005
DDC INVESTMENTS LLE	475 E WESTMINSTER RD <sup>LAKELAND</sup> 60046-2267	0208310006
GASCOADE PROPERTIES LTD	10015 278TH AVE <sup>TREVOR WI</sup> 53179	0208310008
PAUL ECKERT	505 WINSOR DR, ANTIOCH	0208310009
JEFFREY + LISA MERTES	955 VICTORIA	0208310010
FEDELE + RITA TENUTA	2536 29TH AVE <sup>KENOSH WI</sup> 53140-4784	0208310011
BROOKE/WONDERLIND REVOLABLE TRUST	440 LAKE ST	0208310013
PHILIP + LAUREL DAHL	360 LAKE ST	0208310014
CHRISTOPHER MCBRADY	971 VICTORIA	0208310015
WALTER + JANEK PARAMSKI	(977 VICTORIA) 759 WOODLAND DR	0208310016
CHARLES F WIRTH	40640 W GRAND AVE	0208310017
DAVID JAMES + KIMBERLEE SUE MITCHELL	989 VICTORIA	0208310018
CORY CYBUL	995 VICTORIA	0208310019

(Attach additional sheets if necessary).

I, Kent IPSEW, did cause the foregoing Notice to be served upon the above-listed individuals and each of them by mailing true and correct copies of the same by certified mail to said individuals at the address set forth above this 20 day of MARCH, 20 15.

Subscribed and sworn to before me this 20 day of MARCH, 20 15.

  
\_\_\_\_\_  
Signature

\_\_\_\_\_  
Notary Public

**AFFIDAVIT OF NOTIFICATION TO ADJACENT PROPERTY OWNERS**


Following are the names and addresses of surrounding property owners within 200 feet in all directions as measured from the boundaries of the property-in-question. Said names are as recorded in the Office of the County Recorder of Deeds, (or the Registrar of Titles of the County), as appear from the authentic tax records of Lake County, and as available from the Antioch Township Assessor's Office.

<u>NAME</u>	<u>ADDRESS</u>	<u>PROPERTY INDEX NO.</u>
Brooke/Wonderling REVOCABLE TRUST	440 LAKE ST	0208310035
DAVID & TERESA WORKLAW	P.O. Box 112 LAKEVILLE <sup>60046-0112</sup>	0208310039
JENNIFER L. MURRIN	992 MAIN	0208310041
TRUDY PETTY	24050 W TOWNLINE R.D. LAKEVILLE <sup>60046-8136</sup>	0208310062
DAVID & JOANNE HOEH	959 MAIN	0208311001
KENNETH & NANCY SMITH	12934 W WAVERLY ST BEACH PARK IL 60099-9328	0208311002
LAKES REGION HISTORICAL SOCIETY	965 MAIN	0208311019

(Attach additional sheets if necessary).

I, Kent IPSEW, did cause the foregoing Notice to be served upon the above-listed individuals and each of them by mailing true and correct copies of the same by certified mail to said individuals at the address set forth above this 20 day of MARCH, 2015.

Subscribed and sworn to before me this 20 day of MARCH, 2015.

  
\_\_\_\_\_  
Signature

\_\_\_\_\_  
Notary Public

DRAFT

April 17, 2015

To: The Honorable Larry Hanson, Mayor; and  
Members of the Village Board of Trustees

From: Ken Karasek, Chairman  
Combined Planning and Zoning Commission

RE: Dairy Queen Lighting Variation, Commonly known as 966 Main Street, PIN Number 02-08-310-060, 02-08-310-038 in  
Lake County, Antioch Illinois 60002; PZB 15-04;

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The Combined Planning Commission and Zoning Board conducted a public hearing on Thursday, April 9th, 2015; 7:30 PM following notification, as required by State Law and Village Ordinances, to consider a sign and lighting variance to allow for the use of LED banding for a building redevelopment. Upon closure of the hearing the Planning and Zoning Board recommended approval of the petition request pursuant to Title 10-15 of the Village Code.

The petitioner and owner/operator of the structure, Kent and Ginger Ipsen, propose the usage of LED illumination in conjunction with a canopy feature added as part of the Dairy Queen remodel. The illumination is a corporate design feature and is reminiscent of the midcentury modern diner styles of post World War 2 architecture.

The street graphic ordinance, section 10-14-11 prohibits the use of neon tube lighting or light emitting diode (LED) lighting outlining or illuminating the features of a ground graphic, building, structure, or window. The intent of the ordinance is to prohibit unsympathetic architectural lighting additions that do not reflect a historic character of the village and intense lighting designs that do little to accentuate building architecture.

Staff made an overview of the variance process and approval criteria in context to the petition. Based on the petition review, staff stated that the petition met a number of the standards and recommended that in its findings, the Board acknowledge the codified standards and unique circumstance of the case in their recommendation, so as not to create or imply some precedent for similar variances.

Based on the petition review, the applicant meets a number of the standards listed below. In its review, staff recommends the Board acknowledge these findings.

- a. The applicant must present evidence that the proposed variation will not:
- i. Impair adequate supply of light and air to adjacent property;
  - ii. Unreasonably increase the congestion in public streets;
  - iii. Increase the danger of fire or endanger public safety;
  - iv. Unreasonably diminish or impair established property values within the surrounding area; and
  - v. Merely serve as a convenience to the applicant; there is a demonstrated practical design difficulty involved in this project.

*There is no evidence that the proposed improvement will affect the health, safety, or welfare of the site or structure. The lighting is contemplated within a larger remodel and presents an approach that reflects a mid century architectural styling familiar to the area.*

- b. The requested variation does not permit a use otherwise excluded from the zoning district in which the property is located.

*The proposed improvement does not constitute a new or unique use that expands or conflicts with any considered illegal or non-conforming.*



g. The granting of the requested variation is in harmony with the general purposes and intent of the Zoning Ordinance, and will not be injurious to the neighborhood, detrimental to the public welfare, or in conflict with the Village's Comprehensive Plan.

*This proposal does not appear to be in conflict with the goals, spirit, or intent of the comprehensive plan or contrary to the public welfare.*

Therefore based upon the review of the standards of 10-15-6 of the Village Code, and the current facts of the case, staff recommended the variance be granted.

Based upon the review of the petition, testimony provided at the hearing, and relevant code criteria of Title 10 of the Village Code the Planning and Zoning Board unanimously recommends the approval of the variance.

Respectfully submitted,

Ken Karasek, Chairman  
Combined Planning Commission and Zoning Board