

VILLAGE OF ANTIOCH

ORDINANCE NO. 18-09-31

*AN ORDINANCE GRANTING A VARIANCE FROM THE REQUIRED SIDEYARD
SETBACK TO ALLOW FOR THE CONSTRUCTION OF A THIRD GARAGE BAY FOR
THE PROPERTY LOCATED AT 848 MOCKINGBIRD DRIVE
(PZB-18-08)*

ADOPTED BY THE PRESIDENT AND BOARD OF TRUSTEES

OF THE

VILLAGE OF ANTIOCH, ILLINOIS

ON

September 10th, 2018

Published in pamphlet form by authority of the Village Board
of the Village of Antioch, Lake County, Illinois,
this 13th day of September 2018

LAWRENCE M. HANSON	President	JERRY JOHNSON	Trustee
LORI K. ROMINE	Clerk	MARY DOMINIAK	Trustee
ROBERT J. LONG	Attorney	TED POULOS	Trustee
		SCOTT A. PIERCE	Trustee
		ED MACEK	Trustee
		JAY JOZWIAK	Trustee

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(PZB-18-08)

WHEREAS, pursuant to Chapter 15 of Title 10 of the Antioch Village Code, a public hearing was commenced by the Combined Planning Commission and Zoning Board on August 9th, 2018 following notification as required by State Law and Village Ordinance to consider a petition for a Variance allowing for the construction of a third bay to an existing garage and encroaching into the sideyard by five feet for the property commonly known as 848 Mockingbird Drive.

WHEREAS, the Combined Planning Commission recommended approval to the Village Board to allow the garage to be built as requested, but with a slightly modified intrusion into the sideyard setback through a decrease in the overall length of the permitted garage extension; and

WHEREAS, the Corporate Authorities have concluded and found that the Variance, subject to and in conformance with the terms and conditions of this Ordinance, conform to a majority of the required standards as required by ordinance, including; a) No negative impact on the adjacent parcels; b) Requested variation does not permit a use otherwise excluded from the zoning district in which the property is located; c) The conditions or circumstances upon which the request is based apply to land for which the variation is sought, and generally not applicable in the zoning district; d) The condition or circumstances is not a result of any action on part of the applicant; e) The strict application of the zoning requirement would deprive the applicant of reasonable use of their land; f) The variation requested is the minimum adjustment needed for the reasonable use of the land; 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.

WHEREAS, the Corporate Authorities have concluded and found that the Variance will further secure the subject property and minimize unsafe conditions, and will otherwise enhance and promote the general welfare of the Village and the health, safety and welfare of the residents of the Village.

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

SECTION I: The representations, recitations and findings set forth in the foregoing recitals are material to this Ordinance and such recitals are hereby incorporated into and made a part of this Ordinance as though they were fully set forth herein. This Ordinance shall be liberally construed so that the purpose and intent represented by the recitals shall be accomplished to the greatest extent permitted by law.

SECTION II: That the real estate which is the subject of this ordinance (Subject Property) is legally described as follows:

Lot 12 in Heron Harbor Unit #3 being a subdivision in part of the West half of the Section 18, Township 46 North, Rand 10, East of the Third principal meridian, according to the plat thereof recorded October 17, 1995, as Document 3735932, and correct by Certificate of Correction recorded February 13, 1996 as document 3783826, in Lake County, Illinois.

Property Identification Number: 0218301016

SECTION III: That, subject to the conditions stated below, the Variance shall be and is hereby approved and shall be binding upon the Village, Petitioner and Owner, and their respective owners successors, and assigns when a true execution copy of this Ordinance is tendered to the Village fully executed by the Petitioner and Owner, and when the Mayor has affixed his signature upon the Ordinance.

1. That the applicant 's construction of the third bay not exceed 25.5 feet in length.

SECTION IV: The following exhibits shall be attached to and made a part of this Variance Ordinance and, except as expressly modified by this Ordinance, compliance with all standards, requirements, designs or specifications in such exhibits shall be a condition of the grant of this Special Use Ordinance:

- A. Village Board Staff Report

SECTION V: Any person violating the terms and conditions of this Ordinance shall be subject to a penalty not exceeding Five Hundred Dollars (\$500.00) with each and every day that the violation of the Ordinance is allowed to remain in effect being deemed a complete and separate offense. In addition, the appropriate authorities of the Village may take such other action as they deem proper to enforce the terms and conditions of this Ordinance, including, without limitation, an action in equity to compel compliance with its terms. Any person violating the terms of this Ordinance shall be subject, in addition to the foregoing penalties, to the payment of court costs and reasonable attorneys' fees. This section shall not apply to the Village of Antioch, its officials, agents or employees.

SECTION VI: If any provision, clause, sentence, paragraph, section, or part of this ordinance or application thereof to any person, firm, corporation, public agency or circumstance, shall, for any reason, be adjudged by a court of competent jurisdiction to be unconstitutional or invalid, said judgment shall not affect, impair or invalidate the remainder of this ordinance and the application of such provision to other persons, firms, corporation, or circumstances, but shall be confined in its operation to the provision, clause, sentence, paragraph, section, or part thereof

directly involved in the controversy in which such judgment shall have been rendered and to the person, firm, corporation, or circumstances involved. It is hereby declared to be the legislative intent of the corporate authorities that this ordinance would have been adopted had such unconstitutional or invalid provision, clause, sentence, paragraph, section, or part thereof not be included.


SECTION VII: That the Village Clerk is hereby directed and ordered to publish this Ordinance in pamphlet form as provided by law.

SECTION IX: That this Ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

Passed this 10th of September, 2018.

	Ayes:	Nays:	Absent/Abstain:
Scott A. Pierce	X		
Jay Jozwiak	X		
Ted Poulos	X		
Ed Macek	X		
Mary Dominiak	X		
Jerry Johnson	X		

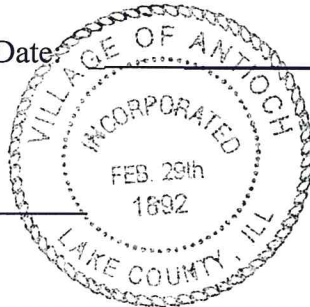
APPROVED:

By: 
Lawrence M. Hanson, Mayor

Date: _____

ATTEST:

By: 
Lori K. Romine, Village Clerk



Presented and read, or reading having been waived, at a duly convened meeting of the Corporate Authorities on September 10, 2018.

STATE OF ILLINOIS))
COUNTY OF LAKE)

CERTIFICATE

I, Lori K. Romine, certify that I am the duly appointed Municipal Clerk of the Village of Antioch, Lake County, Illinois.

I certify that on September 10, 2018, the Corporate Authorities of such municipality passed and approved Ordinance 18-09-31 entitled “An Ordinance Granting a Variance from the Required Sideyard Setback to Allow for the Construction of a Third Garage Bay” which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 18-09-31 including the Ordinance and cover sheet thereof, was prepared and a copy of such Ordinance was posted in the municipal building, commencing on September 13, 2018 and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the Municipal Clerk.

DATED at Antioch, Illinois, this 13th day of September 2018.

Lani K Romo

Lori K. Romine, Village Clerk