

VILLAGE OF ANTIOCH

ORDINANCE NO. 19-08-33

***AN ORDINANCE GRANTING A VARIANCE TO ALLOW A DWELLING ON THE FIRST
FLOOR OF THE PROPERTY COMMONLY KNOWN AS 291 MARGATE.
(PZB-19-07)***

ADOPTED BY THE PRESIDENT AND BOARD OF TRUSTEES

OF THE

VILLAGE OF ANTIOCH, ILLINOIS

ON

August 28, 2019

**Published in pamphlet form by authority of the Village Board
of the Village of Antioch, Lake County, Illinois,
this 28th day of August 2019**

LAWRENCE M. HANSON

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ORDINANCE NO. 19-08-33

AN ORDINANCE GRANTING A VARIANCE TO ALLOW A DWELLING ON THE FIRST FLOOR OF THE PROPERTY COMMONLY KNOWN AS 291 MARGATE TERRACE

(PZB-19-07)

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 8th, 2019 following notification as required by State Law and Village Ordinance to consider a petition for a Variance allowing for a dwelling unit on the first floor of a building that is zoned B-1 located at 291 Margate Terrace, Antioch, Illinois.

WHEREAS, the Combined Planning Commission recommended approval to the Village Board to allow a dwelling unit on the first floor of the property commonly known as 291 Margate Terrace, Antioch, Illinois; 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:

(See attached legal description)

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.

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 Variance:

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 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 28th day of August 2019.

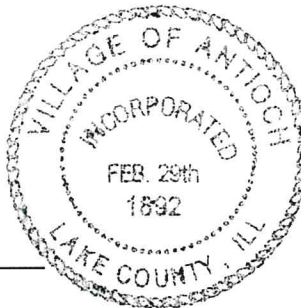
| | Ayes: | Nays: | Absent/Abstain: |
|-----------------|-------|-------|-----------------|
| Scott A. Pierce | X | | |
| Daniel Yost | X | | |
| Ted Poulos | X | | |
| Ed Macek | X | | |
| Mary Dominiak | X | | |
| Jerry Johnson | X | | |

APPROVED:

By: 
Lawrence M. Hanson, Mayor

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 August 28, 2019.

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 August 28, 2019, the Corporate Authorities of such municipality passed and approved Ordinance No. 19-08-33 entitled "*AN ORDINANCE GRANTING A VARIANCE TO ALLOW A DWELLING ON THE FIRST FLOOR OF THE PROPERTY COMMONLY KNOWN AS 291 MARGATE TERRACE*" which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 19-08-xx including the Ordinance and cover sheet thereof, was prepared and a copy of such Ordinance was posted in the municipal building, commencing on August 29, 2019 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 29th day of August, 2019.

Jain K Romo

Lori K. Romine, Village Clerk



REPORT TO: VILLAGE PRESIDENT and BOARD OF TRUSTEES
FROM: MICHAEL S. GARRIGAN, AICP, CNU-A, Community Development Director
DATE: August 15, 2019
SUBJECT: REPORT TO VILLAGE BOARD

CASE: Keim Variance
19-07

REQUEST: Variance (**Public Hearing**)

APPLICANT: Joseph Keim

LOCATION: 291 Margate

ZONING: B-1

BACKGROUND

The applicant is seeking a Variance to permit the property commonly known as 291 Margate to be used as a residence and an ancillary office. The applicant is proposing to restore the building as a residence with an adjacent office. The original business once contained a residence and physicians office and was designed for dual use. Subsequently, the building was used as an office and the previous residential use of the property lapsed under the current B-1 zoning.

The prospective owner of this building will be "Safeguard" which is a roofing company in Antioch. The new owner will be living in the house with his family and will be using the existing office in the building for his office. The office will not be fully staffed, and there will periodically be a maximum of two employees in the office. No equipment or construction materials will be stored outside on the subject property.

Variance Analysis

As outlined above, the applicant is seeking relief from Section 10-6A-1 which "allows dwelling units as long as they are located above the first floor" of a business. The applicant is seeking relief from this section to allow the residence to be located on the same floor as the business in view of the design of this building,

North (single-family home)
East (commercial)
South (commercial)
West (Single-Family Home)

In accordance with Section 10-15-6, before a Variance can be granted, certain findings of fact must be shown by the applicant. Below is a summary of the factors that the Planning and Zoning Commission should consider with respect to the above-captioned application:

1. *The proposed variation 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 surrounded area; and*
- e) *Merely serve as a convenience to the applicant; there is a demonstrated practical design difficulty involved in this project.*
- f) *The requested variation does not permit a use otherwise excluded from the zoning district in which the property is located.*

There is nothing to indicate that allowing the variance in this case would impair the supply of light on adjacent parcels or increase street congestion or increase any danger to the general public. The applicant is not seeking to change the massing or size of the building and this building has had no negative impact on any of the adjacent properties.

2) *The conditions or circumstances upon which the request is based apply to land for which the variation is sought and is not generally applicable in the zoning district.*

The proposed variance is unique since this building was previously used as a residence and a physician's office at one time. The building was designed for this dual purpose and the building integrates into the character of the neighborhood which is residential to the north and west and commercial along Route 83.

3) *The condition or circumstances is not a result of any action on part of the applicant.*

The building is a unique building in view of the fact it was designed for a dual purpose including a residence. As highlighted above, the applicant is not changing the building, but simply restoring its original mixed-use.

4) *The strict application of the zoning requirement would deprive the applicant of reasonable use of his land.*

The building was designed with a residence, so denying the applicant's request would deny him the reasonable ability to use his property as it was originally designed for.

5) *The variation requested is the minimum adjustment needed for the reasonableness use of the land.*

The applicant's proposed request to use this building as a residence and office would have no negative impact on any of the adjacent properties. There is enough parking on the subject site to service both the

residence and any office within the building. Specifically, there is a large asphalt parking area adjacent to the garage that would provide ample parking for any ancillary office to this building.

- 6) *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.*

The proposed mixed-use nature of the applicant's request is consistent with the general character of the surrounding neighborhood. The area to the north and west continues to be residential and the areas along Route 83 remains commercial. The proposed mixed-use nature of the applicant's building is a nice transition between uses in this area.

RECOMMENDATION

The Staff proposed Variance has met the required findings of facts as outlined above and based on this factor, Staff would make the following motion:

We move that the Village Board approve the herewith attached Ordinance for a Variance for 291 Margate to allow for a residence in the building with an ancillary office.