

VILLAGE OF ANTIOCH

ORDINANCE NO. 20-10-32

***AN ORDINANCE GRANTING A VARIANCE FROM THE REQUIRED LANDSCAPE
BUFFER FOR 574 DWIGHT COURT, ANTIOCH, ILLINOIS
(20-08 SPR/V)***

ADOPTED BY THE PRESIDENT AND BOARD OF TRUSTEES

OF THE

VILLAGE OF ANTIOCH, ILLINOIS

ON

OCTOBER 12th, 2020

**Published in pamphlet form by authority of the Village Board
of the Village of Antioch, Lake County, Illinois,
this 13th day of October 2020**

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

DANIEL YOST

Trustee

ORDINANCE NO. 20-10-32

***AN ORDINANCE GRANTING A VARIANCE FROM THE REQUIRED LANDSCAPE
BUFFER FOR 574 DWIGHT COURT, ANTIOCH, ILLINOIS
(20-08 SPR/V)***

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 September 10, 2020 following notification as required by State Law and Village Ordinance to consider a petition for a Variance allowing for a ten foot landscape buffer in lieu of the required forty foot landscape buffer for the business commonly known as We Bee Waxin and located at 574 Dwight Court, Antioch, Illinois.

WHEREAS, the Combined Planning Commission recommended approval to the Village Board to allow for a ten-foot landscape easement in lieu of the required forty-foot buffer; 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; 1) The variance is in harmony with the general purposes and intent of the zoning ordinance; 2) The plight of the owner is due to unique circumstances and thus the strict enforcement of the zoning ordinance would result in practical difficulties or impose exceptional hardship due to the special and unusual conditions that are generally found on other properties in the same zoning district; 3) The property cannot yield a reasonable use if permitted only under the conditions allowed by the zoning ordinance; 4) The variance, if granted will not alter the essential character of the locality and will not a substantial detriment to the adjacent property;

***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 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 been included.

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

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

Passed this 12th day of October 2020.

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

APPROVED:

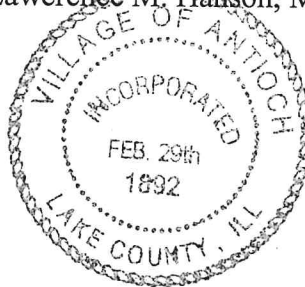
By: _____

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 October 12, 2020.

STATE OF ILLINOIS)
)
COUNTY OF LAKE) SS


CERTIFICATE

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

I certify that on October 12, 2020 the Corporate Authorities of such municipality passed and approved Ordinance 20-10-32 entitled “an Ordinance Granting a Variance from the Required Landscape Buffer for 574 Dwight Court, Antioch, IL (20-08 SPR/V)”, which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 20-10-32 including the Ordinance and cover sheet thereof, was prepared and a copy of such Ordinance was posted in the municipal building, commencing on October 13, 2020, 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 October 2020.



Lori K. Romine, Village Clerk





REPORT TO: VILLAGE PRESIDENT and BOARD OF TRUSTEES
FROM: MICHAEL S. GARRIGAN, AICP, CNU-A, Community Development Director
DATE: October 6, 2020
SUBJECT: REPORT TO VILLAGE BOARD

CASE: Webee Wax
20-08

REQUEST: Variance
Site Plan Review

APPLICANT: Chad Thurston

LOCATION: 574 Dwight Court

ZONING: M-1 (Manufacturing)

COMPREHENSIVE PLAN: Manufacturing

BACKGROUND

The applicant is proposing to construct a storage yard adjacent to an existing structure located at 574 Dwight Court. The existing site is 0.91 acres and is zoned M-1 (manufacturing). Currently, boats are being stored on an unimproved surface (asphalt grindings) adjacent to the existing building. A Site Plan and Variance are being sought by the applicant so he can proceed with the improvement of the property for his business.

A Site Plan is being required due to the proposed improvement to the outdoor storage area, including new parking along Dwight Court, a new asphalt storage yard, landscape buffer and new landscaping. The applicant is seeking a Variance from the required 40-foot landscape buffer for manufacturing sites adjacent to residential areas.

Variance Analysis

As outlined above, the applicant is seeking relief from the Village's Site Plan Review Ordinance, Section 10-13-9 (C), which requires a 40 foot landscape buffer for industrial sites adjacent to residential areas.

When looking at a proposed variance, it is important to look at the context of the subject site. The subject site is surrounded by the following uses:

North: Manufacturing
East : Residential
South: Manufacturing
West : Manufacturing

In accordance with Section 10-2-8, 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 variance is in harmony with the general purposes and intent of this zoning ordinance; and*

The proposed variance would allow the applicant to utilize the subject site for outdoor storage and the proposed improvements would generally improve this non-conforming site. As highlighted above, this property is adjacent to the old "Regal China" plant and is in an area which incorporates an industrial character. Outdoor storage is permitted in manufacturing districts, subject to the property being fully enclosed and screened.

The unique factor related to this case is that the eastern property line of the subject site is adjacent to a multi-family building which is located on Drom Court. As previously highlighted, any property which is zoned for manufacturing use that is adjacent to residential requires a 40 foot landscape buffer. While the existing site has no landscape buffer, the fact that the applicant is proposing to improve the site requires him to meet the Village's Site Plan Review Ordinance.

- 2) *The plight of the owner is due to unique circumstances and thus the strict enforcement of the zoning ordinance would result in practical difficulties or impose exceptional hardships due to the special and unusual conditions that are generally found on other properties in the same zoning district; and*

There is nothing that is inherently unique about the subject property. Requiring the required 40 foot landscape easement would make it difficult to utilize the subject property for outdoor storage. A large segment of the proposed outdoor storage yard would be required to be a landscape buffer if the applicants complies with the Village's Site Plan Review Ordinance.

- 3) *The property cannot yield a reasonable use if permitted only under the conditions allowed by the zoning ordinance; and*

The subject site could be used for limited storage, however, the area for outdoor storage would be substantially smaller if the applicant was required to comply with the Village's landscape buffer requirement. In addition, the existing structure on the subject property can be used for indoor storage.

Therefore, while the property could be used for storage even if no variance was approved, the approval of the variance would allow the applicant to maximize the storage of boats on the property for his business. As proposed, there will be substantially more screening with the proposed improvements based

on the current condition of the property. Currently, there is no real screening between the subject property and the adjacent multi-family unit except for several shade trees. The applicant as part of the "Site Plan", is proposing to enclose the subject site with an 8-foot chain link fence with fabric screening.

- 4) *The variance, if granted, will not alter the essential character of the locality and will not be a substantial detriment to adjacent property.*

As proposed, the applicant's proposed 10-foot landscape buffer, along with the addition of an eight (8) foot fence, along with new landscaping would create a much more substantial landscape buffer than what currently exists. The applicant is proposing a 10-foot buffer along with the eastern perimeter and adding 18 evergreen trees.

SITE PLAN REVIEW

The applicant is proposing to use the subject site as an outdoor storage facility. Because the applicant is proposing to increase the size of the existing outdoor storage yard, add parking, a perimeter fence, and landscaping, a Site Plan Review is required.

Access and Parking

The main access into the proposed storage yard will be located on Dwight Court. Currently, there is no curb along Dwight Court along the applicant's property. In lieu of the current gravel area, the applicant is proposing 11 parking spaces. The Village's Zoning Ordinance requires 1 space per thousand (1,000) for warehousing. The applicant's 6,515 square foot building would require a total of 7 spaces. Based on the State Code, one (1) handicapped parking space would be required to be added to the subject site.

Outdoor Storage

The applicant is proposing to improve the existing storage yard with an asphalt parking area that would add 28,341 square feet of asphalt surface to the north and east of the subject building. The new outdoor parking area would be fully enclosed with an 8-foot chain link fence with a fabric enclosure.

The area would be used for the storage of boats, which would be accessory to the applicant's detailing business of boats.

Landscape Plan

The applicant has submitted a landscape plan. The proposed landscape buffer along the eastern perimeter is proposed at 10 feet and the applicant is proposing to plant 15 evergreens and 3 shade trees within the landscape buffer. In addition, an eight-foot fence is being proposed along the edge of the landscape buffer.

Along Dwight Court, the applicant is proposing 3 shade trees and 3 evergreens within the 10 foot landscape buffer along Dwight Court. *Staff is requesting that 4 evergreens be added to this buffer to provide additional landscaping to the area*

Lighting

The applicant has not identified any lighting standards that would be located within the storage area. Alternatively, no additional wall packs have been identified to be added to the existing building that is located on the subject site.

Based on the Village's Site Plan Ordinance, if any new lighting is being proposed, a photometric plan is required. Any new lighting will have to limit the foot candle illumination level to 0.50 at the property line. In addition, any lighting fixture should incorporate a shield to screen from any lighting spillage towards the existing residential units to the east of the subject site.

Stormwater

The subject site is less than an acre and therefore is exempt from the Village's stormwater regulations. The applicant is proposing to add an additional 28,341 square feet of asphalt to increase the sites impervious surface to 71% of the subject site.

RECOMMENDATION

Based on the analysis of Staff, it appears that the applicant has met the majority of the required findings of fact that are required for a variance.

In addition, the applicant's proposed site plan has met the required standards that are outlined in the Village's Site Plan Review Ordinance.

Based on the foregoing, Staff would recommend the following:

PZB recommended approval of a Variance Ordinance from the required landscape buffer requirements for 574 Dwight Court.

PZB recommended that the Village Board approve the herewith attached Site Plan Resolution for 574 Dwight Court subject to the following stipulations:

- 1. Compliance with the requirements of the Village Engineer.*
- 2. Compliance with the requirements of the Antioch Fire Protection District.*
- 3. That the applicant submits a photometric plan if any new lighting is being proposed.*
- 4. That 4 new evergreens be added to the landscape buffer along Dwight Court.*



Figure 1: Dwight Court (Looking North)



Figure 2: Rear outdoor storage area (Looking North)



Figure 3: Storage area north of building (Looking south)



Figure 4: Existing multi-family (looking east)



Figure 5 Context Map