

**VILLAGE OF ANTIOCH**

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**ORDINANCE NO. 22-05-31**

***AN ORDINANCE GRANTING A VARIANCE FOR ANTIOCH POLICE DEPARTMENT'S  
PARKING LOT AT 427 ORCHARD STREET (22-04 V)***

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**ADOPTED BY THE PRESIDENT AND BOARD OF TRUSTEES**

**OF THE**

**VILLAGE OF ANTIOCH, ILLINOIS**

**ON**

**May 25, 2022**

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**Published in pamphlet form by authority of the Village Board  
of the Village of Antioch, Lake County, Illinois,  
this 26<sup>th</sup> day of May 2022**

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Scott J. Gartner	<b>President</b>	Brent Bluthardt	<b>Trustee</b>
		Petrina Burman	<b>Trustee</b>
Lori Romine	<b>Clerk</b>	Mary Domniak	<b>Trustee</b>
		Ed Macek	<b>Trustee</b>
DelGaldo Law Group, LLC	<b>Attorney</b>	Mary Pedersen	<b>Trustee</b>
		Scott Pierce	<b>Trustee</b>

## ORDINANCE

### ***AN ORDINANCE GRANTING A VARIANCE FOR ANTIOCH POLICE DEPARTMENT'S PARKING LOT AT 427 ORCHARD STREET (22-04 V)***

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**WHEREAS**, pursuant to Chapter 4 of Title 10 of the Antioch Village Code, a public hearing was commenced by the Combined Planning Commission and Zoning Board on May 4<sup>th</sup>, 2022, following notification as required by State Law and Village Ordinance to consider a petition for a Variance from the Village's Form Based Code, that allows for the location of a parking lot in the front 50% of a lot.

**WHEREAS**, the Combined Planning Commission recommended approval to the Village Board to allow for a variance for the location of a Police Department parking lot at 427 Orchard Street to be located in front of the lot in lieu of the Form Base Cide requirements that parking lots be located in the rear of buildings 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) The variance is in harmony with the general purposes and intent of this zoning ordinance; and b) The plight of the owner is due to unique circumstances and 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; and c) The property cannot yield a reasonable use if permitted only under the conditions allowed by the zoning ordinance; and d) The variance, if granted, will not alter the essential character of the locality and will not be a substantial detriment to adjacent property.

**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 6 IN SIMON'S ADDITION TO THE VILLAGE OF ANTIOCH, BEING A SUBDIVISION OF PART OF THE NORTH HALF OF THE SOUTH WEST QUARTER OF SECTION 8, TOWNSHIP 46 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 6, 1887 AS DOCUMENT 33976 IN BOOK 'A' OF PLATS, PAGE 62, ALL IN LAKE COUNTY, ILLINOIS

**SECTION III:** 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 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.

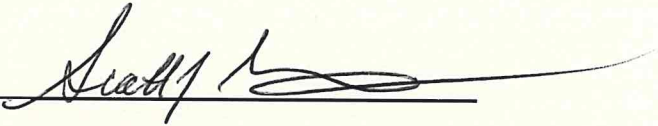
**SECTION VII:** That the Village Clerk is hereby directed and ordered to publish this Ordinance in pamphlet form as provided by law.

**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 25<sup>th</sup> day of May 2022.

	Ayes:	Nays:	Absent/Abstain:
Brent Bluthardt	X		
Petrina Burmen	X		
Mary Dominiak	X		
Ed Macek	X		
Mary Pedersen	X		
Scott Pierce	X		

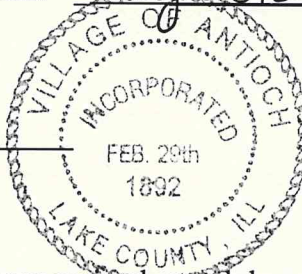
**APPROVED:**

By:   
Scott J. Gartner

Date: May 26, 2022

**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 May 25, 2022.

STATE OF ILLINOIS)

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SS

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 May 25, 2022, the Corporate Authorities of such municipality passed and approved Ordinance 22-05-31 entitled “*An Ordinance granting a variance for the Antioch Police Department Parking Lot at 427 Orchard Street*” which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 22-05-31 including the Ordinance and cover sheet thereof, was prepared and a copy of such Ordinance was posted in the municipal building, commencing on May 25, 2022, 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 26<sup>th</sup> day of May, 2022.

Boi & Romine

Lori K. Romine, Village Clerk







**REPORT TO:** VILLAGE PRESIDENT and BOARD OF TRUSTEES  
**FROM:** MICHAEL S. GARRIGAN, AICP, CNU-A, Community Development Director  
**DATE:** May 17, 2022  
**SUBJECT:** REPORT TO VILLAGE BOARD

**CASE:** Village of Antioch/ Police Department  
22-04

**REQUEST:** Variance  
Site Plan Review

**APPLICANT:** Village of Antioch

**LOCATION:** 427 Orchard Street

**ZONING:** Village Core

**COMPREHENSIVE PLAN:** Downtown District

#### **Background**

The Village is seeking a Variance and Site Plan Review for the construction of a parking lot to be located east of the Antioch Police Station, on a vacant lot that formerly contained a single-family home that was demolished by the Village. The proposed parking lot will be used as a "secured" lot for Police Department vehicles.

A Variance is required since the site is located within the Village's Form Based Code and Off-Street parking not contained within the building is required to be placed in the rear of the building; a) Place in the rear 50% of the lot depth; b) 5 feet from the side yard; c) 10 feet minimum from the rear of the lot if not adjacent to the alley; d) 5 feet minimum from rear of lot if adjacent to an alley; e) 5 feet from building line on the side yard of a corner lot.

In addition, the Police Department needs a variance for the proposed security fence. Fences are restricted to a height of 48 inches and brick, stone, or decorative metal shall be used for fencing. A proposed security fence with a height of 8 feet is being proposed for the subject site.



## Variance Analysis

As outlined above, the applicant is seeking relief from the Village's Form Based Code. When looking at a variance request, it is important to look at the adjacent uses:

North: Church  
East: Multi-Family  
South: Commercial  
West : Civic

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:

The Form Based Code requires parking lots to be in the rear of buildings, which is consistent with good urban design when dealing with a Downtown environment. Buildings should be front loaded, to create a friendly pedestrian environment. Locating parking lots in the front of a property break-up the building rhythm and enclosure that great Downtown Streets contain.

In this case, the Antioch Police Department is seeking a variance from these urban design best practices for the security of their officers.

*1) The variance is in harmony with the general purposes and intent of this zoning ordinance; and The proposed variance while not consistent with the Form Based Code regulations, will not have a negative impact on the adjacent properties. The Village has made design changes to the proposed parking lot that will mitigate against any negative externalities on adjacent properties.*

*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*

Strict enforcement of the Form Based Code would make it difficult for the Antioch Police Department to maintain a secure parking area for their squad cars and vehicles. The proposed Variance is requested for the officer's safety.

The Village has been renting property from the United Methodist Church, so it would be difficult to place the parking lot in the rear since the Village does not own the property behind the Antioch Police Station.

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

The Village does not control the property behind the Police Station and the subject property was purchased by the Village for the sole purpose of constructing a parking lot on the subject site.



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

The proposed parking lot will not have any negative impact on the adjacent properties. Based on the proposed Site Plan, there will be sufficient landscaping to mitigate against impact on the adjacent properties.



#### **Site Plan Review**

The Village is proposing to construct a parking lot on an existing site that is approximately 0.50 of an acre, that was specifically purchased by the Village for the future construction of a Police Department lot. The lot previously contained a single-family home which was demolished and currently contains trees and brush. The site will be cleared cut to make way for this parking lot.

#### **Parking Lot**

The Village is propping to construct a parking lot with 50 new parking spaces for Police Department vehicles. Access to this new lot will be from the rear of the lot, behind the existing Police Department Building.

The proposed lot will fully be enclosed with a eight-foot decorative steel fence. The fence will be open for security purposes and based on this the Village requires a variance. In addition, the Form Based Code limits fence to a height of 48 inches and based on the security needs of the Police Department, the Village needs relief from this urban design standard.



### Photometrics

The applicant has submitted a photometric plan and it complies with the Village's lighting standards as it relates to footcandle illumination at the property line. In addition, the proposed lighting fixtures incorporate a box fixture that conforms with Village ordinance.

### Landscape Plan

The Village has prepared a landscape plan for the property, and it complies with the Village's Site Plan Review Ordinance.

The lot width of this proposed parking lot is 66 feet, which would require a total of 2 shade trees and 33 shrubs. The proposed landscape plan well exceeds this minimum landscape requirement.

### PZB

The Planning and Zoning Commission incorporated a stipulation that would require the incorporation of brick pilasters be incorporated into the design of the fence as per the proposed attached plans as prepared by the Village's Engineer.

### RECOMMENDATION

Based on the analysis of Staff, it appears that the applicant has not met most of the required findings of fact that are required for a variance.

*The PZB recommended the approval of the attached Variance Ordinance variance allowing a parking lot to be in the front 50% of the existing lot and that the security fence incorporate a height of eight feet or more.*

*The PZB recommended approval of a Resolution approving a Site Plan for the Antioch Police Department parking lot 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. Incorporation of decorative brick pilasters facing Orchard Street.*