

VILLAGE OF ANTIOCH

ORDINANCE NO. 18-06-xx

***AN ORDINANCE GRANTING A VARIANCE FOR CONSTRUCTION OF A BASKETBALL COURT IN REAR YARD SETBACK FOR THE PROPERTY COMMONLY KNOWN AS 1695 SERENITY DRIVE, ANTIOCH.
(PZB-18-03)***

ADOPTED BY THE PRESIDENT AND BOARD OF TRUSTEES

OF THE

VILLAGE OF ANTIOCH, ILLINOIS

ON

June 11, 2018

**Published in pamphlet form by authority of the Village Board
of the Village of Antioch, Lake County, Illinois,
this _____ day of June 2018.**

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

ORDINANCE

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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 April 12, 2018 and continued over to May 10, 2018 following notification as required by State Law and Village Ordinance to consider a petition for a Variance allowing for the construction of a basketball court in the rear yard setback after due notice by newspaper publication, pursuant to the application of Clay and Marilew Thompson (“Owner”), at the property located at 1695 Serenity Drive.

WHEREAS, the Combined Planning Commission recommended approval to the Village Board to allow the installation of a basketball court in the rear yard setback; 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 that the Variance 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. The conditions of the Variance shall be as follows:

- a. The pavement used for the surface of the basketball court shall be pervious, so as to minimize interference with ground absorption of surface water, rain and snow;
- b. The basketball court shall not be illuminated for use at night;
- c. The basketball court shall be permitted to intrude into the setback areas assigned to the Petitioners' lot only to the extent outlined and described in the Village Board Staff Report.

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. Petition for variance;
- B. 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 11th day of June, 2018.

Ayes: Nays: Absent/Abstain:

Scott A. Pierce
Jay Jozwiak
Ted Poulos
Ed Macek
Mary Dominiak
Jerry Johnson

APPROVED:

By: _____

Lawerence M. Hanson, Mayor

Date: _____

ATTEST:

By: _____

Cheryl Mateja, Deputy Village Clerk

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

