

Request For Board Action

REFERRED TO BOARD: September 10, 2018

AGENDA ITEM NO: 7

ORIGINATING DEPARTMENT: Community Development

SUBJECT: Consideration of an Ordinance approving a Variance for a third garage bay to encroach into the sideyard for the property commonly known as 848 Mockingbird Drive.

SUMMARY AND BACKGROUND OF SUBJECT MATTER:

This matter went before the PZB on August 9th, 2018 and Staff reviewed their Staff Report with a favorable recommendation for the proposed sideyard variance. The applicant is requesting a variance to allow them to construct a third bay to their existing garage and seeking relief to allow them to encroach into the sideyard. Village ordinance requires sideyards to be 10% of the width of the lot. The applicant's lot is approximately 95 feet wide (a pie shaped lot) and based on this a 9.5 foot sideyard is required for the subject property. The applicant is seeking relief at the rear corner of the new garage bay which would encroach into the sideyard by less than 5 feet.

After extensive discussion and concurrence with the required findings of facts as presented by Staff, the Planning Commission recommended approval of the variance by a vote of 6-0.

FINANCIAL IMPACT: None

DOCUMENTS ATTACHED:

1. Village Board Staff Report
2. Ordinance

RECOMMENDED MOTION:

We move that the Village Board approve the herewith attached ordinance for a sideyard variance to allow for the construction of a third car bay on the property commonly known as 848 Mockingbird Drive.

VILLAGE OF ANTIOCH

ORDINANCE NO.

*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 _____ day of September 2018

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

ORDINANCE NO. 18-09-XX

***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)

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
Jay Jozwiak
Ted Poulos
Ed Macek
Mary Dominiak
Jerry Johnson

APPROVED:

By: _____

Lawerence M. Hanson, Mayor

Date: _____

ATTEST:

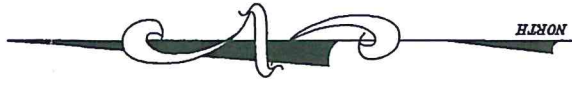
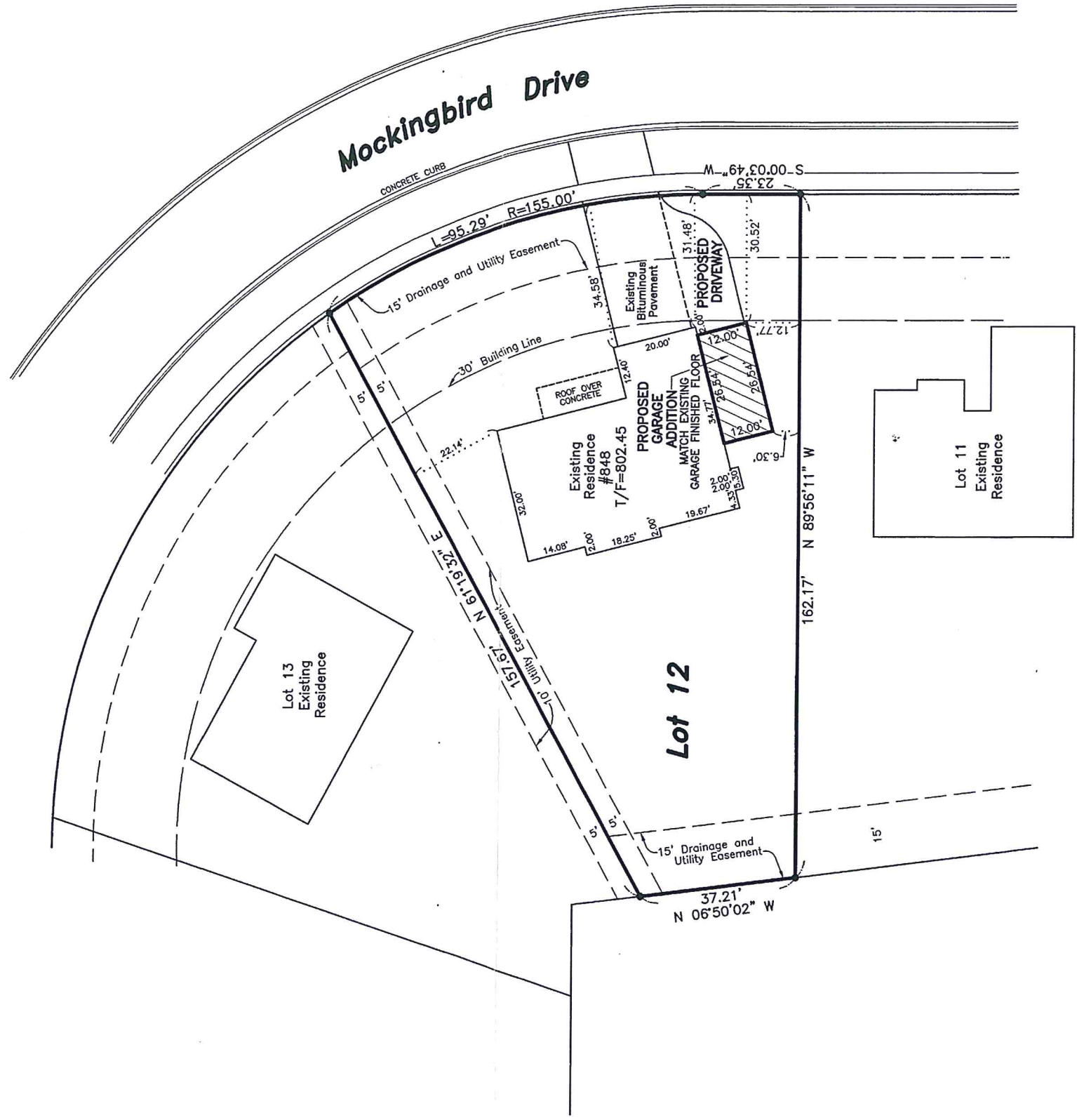
By: _____
Lori K. Romine, Village Clerk

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

PLAT OF SURVEY OF

LOT 12 IN HERON HARBOR UNIT #3; BEING A SUBDIVISION IN PART OF THE WEST HALF OF SECTION 18, TOWNSHIP 46 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED OCTOBER 17, 1995 AS DOCUMENT 3735932, AND CORRECTED BY CERTIFICATE OF CORRECTION RECORDED FEBRUARY 13, 1996 AS DOCUMENT 3783826, IN LAKE COUNTY, ILLINOIS.

THE PREMISES COMMONLY KNOWN AS:
848 MOCKINGBIRD DRIVE, ANTIPOCH, IL
PARCEL AREA = 12,654 S.F.
PIN: 02-18-301-016



STATE OF ILLINOIS
COUNTY OF LAKE S.S.

I, BRYAN J. LEE, AN ILLINOIS PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT I HAVE SURVEYED AND STAKED THE LAND AS DESCRIBED IN THE ABOVE CAPTION. ANY STRUCTURES SHOWN HEREON WERE LOCATED BY ME OR UNDER MY DIRECTION AND THE PLAT DRAWN HEREON IS A CORRECT REPRESENTATION OF SAID SURVEY AND THAT THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY.

DATED AT GRAYSLAKE, ILLINOIS THIS 26th DAY OF June, A.D. 2018

Bryan J. Lee
ILLINOIS PROFESSIONAL LAND SURVEYOR 35-3616
MY LICENSE EXPIRES 11-30-18
PROFESSIONAL DESIGN FIRM NO. 184-002732



FIELDWORK COMPLETED:
CLIENT NAME: Modern Homes, Inc.
ADDRESS: 850 E. Grand Avenue, Suite 3A
Lake Villa, IL 60046

NOTES:

PLAT IS VOID if the Impressed Surveyors Seal does not appear.
Only those Building Lines or Easements shown on a Recorded Subdivision Plat or From a Recorded Document are shown hereon; check local ordinances before building.
Compare your description and site markings with this plat and AT ONCE report any discrepancies which you may find.

R.E. ALLEN AND ASSOCIATES, LTD.
PROFESSIONAL LAND SURVEYORS
1015 N. CORPORATE CIRCLE, SUITE C
GRAYSLAKE, ILLINOIS 60050
PHONE: 847-223-0914 FAX: 847-223-0980

Scale: 1" = 20'

FILE NO. 563-77
F56377 LOT12.DWG



REPORT TO: VILLAGE PRESIDENT and BOARD OF TRUSTEES
FROM: MICHAEL S. GARRIGAN, AICP, CNU-A, Community Development Director
DATE: September 4, 2018
SUBJECT: REPORT TO VILLAGE BOARD

CASE: Leber Variance
18-08

REQUEST: Variance

APPLICANT: Modern Contractors, Inc

LOCATION: 848 Mockingbird Drive, Antioch, Illinois

ZONING: R-1 (Single-Family)

BACKGROUND

The applicant is requesting a variance to allow them to construct a third bay to their existing garage. The subject site is located on a cul de sac and is a pie shaped lot. The lot width is approximately 95 feet and the applicant’s side yard setback requires 10% of the lot width. Based on the Village’s setback requirement, the applicant’s third bay would require a sideyard setback of approximately 9 ½ feet. The front of the garage meets this requirement, but the rear corner of the bay only incorporates a 6 foot setback.

This matter went before the PZB and the s requested that the length of the third bay be reduced from the proposed 26.5 feet to 25.5 feet. This request would decrease the encroachment into the sideyard by approximately one (1) foot. The commission’s requested modification would result in the applicant seeking less relief from the required sideyard setback.

Variance Analysis

The applicant is seeking a sideyard setback variance which would allow them to construct a third car garage bay to their existing two bay garage. In accordance with Section 10-15-6 of the Zoning Ordinance, any applicant must demonstrate that the proposed variance will meet the following standards:

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.*

The applicant's proposal to construct a third bay to their existing garage will not have any negative impact on the adjacent neighbors access to sunlight and will have no impact on creating any additional congestion. Even with the variance, there will be sufficient distance between the proposed garage and the single-family house to the south to ensure that there is a green buffer between the two properties.

In addition, there is nothing to indicate by allowing the applicant to encroach into their existing sideyard would have any impact on the adjacent property values. As highlighted in illustration #3., there is extensive landscaping along the property line that would mitigate any negative impact on the adjacent lot.

- 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 applicant's lot configuration and location of their existing two car garage makes this variance necessary. The location of the garage on the lot would make it difficult to expand without encroaching into the sideyard. As proposed, the front of the garage facing the street will meet the required setback, but the back of the garage would encroach into the sideyard by approximately four feet, leaving a setback of six (6) feet.

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

While the applicant's proposal does not meet the definition of a hardship, there are unique circumstances that may justify the requested variance. As outlined above, the applicant's lot is a pie shaped lot and the location of the existing garage would make it difficult to expand without encroaching into the sideyard setback.

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

The denial of this proposed variance would not have any significant impact on the applicant's ability to reside at the subject property or diminish their property value.

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

The applicant is requesting the ability to encroach into the sideyard by less than 4 feet which would have no substantial impact on the adjacent parcel to the south of the applicant's lot. Based on this minimal form of relief, Staff believes that the applicant has met this required finding.

As highlighted above, the encroachment into the sideyard is approximately four (4) feet and the extensive landscaping along the sideyard would mitigate any negative impact. There will continue to be six feet sideyard setback at the rear corner of the new garage bay.

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.

Increasing the size of this garage from a two bay garage to a three car garage would have no real impact on the character of the neighborhood. As highlighted above, there will continue to be a green buffer between the two properties after any garage is expanded.

There are existing three car garages in this subdivision and the construction of a third bay would be consistent with many of the existing homes in this development. Based on current market trends , third car bays are in high demand

RECOMMENDATION

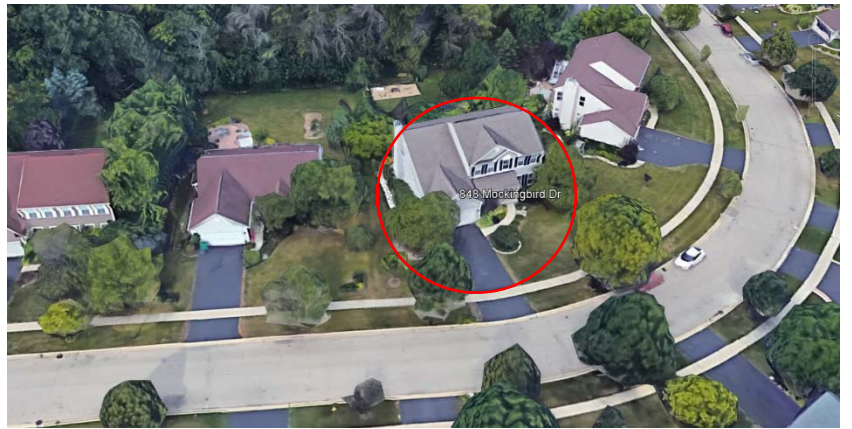
Based on Staff's analysis, allowing for a sideyard encroachment for the construction of a third bay to the existing garage would not have a negative impact on the adjacent properties.

Based on the foregoing analysis, staff would make the following motion:

We move that the Village Board approve the herewith attached Variance Ordinance providing the applicant with relief from the Village's sideyard setback to allow them to construct a third garage bay.



Figure 1: Existing sideyard





2: Existing sideyard



Figure 3: Sideyard landscaping