

Request For Board Action

REFERRED TO BOARD: September 14, 2020

AGENDA ITEM NO: 10

ORIGINATING DEPARTMENT: Community Development

SUBJECT: Consideration of an Ordinance Granting a Special Use for Oksanen Bed & Breakfast located at 998 Victoria Street.

SUMMARY AND BACKGROUND OF SUBJECT MATTER:

The applicant is proposing to convert a single-family home at 998 Victoria Street into a Bed & Breakfast. The subject site is zoned R-3 and is in a single-family neighborhood and is adjacent to several apartment buildings. The subject property has recently been restored and the sale of the property is contingent on approval of this proposed Bed & Breakfast.

The applicant is proposing four (4) bedrooms and a maximum of eight (8) guest. In addition, the applicant has met the Village's parking requirements for a Bed & Breakfast. Seven (7) parking spaces will be provided and six (6) parking spaces are required. Another concern was the potential of the applicant of having special events at the property. The applicant stated they would not have any special events and the property would not be zoned for special events.

The Combined Planning Commission and Zoning Board conducted a public meeting in August on the applicant's proposed Special Use for a Bed & Breakfast. The PZB recommended approval of the Special Use for a B&B at the meeting on August 13, 2020 by a vote of 6-0.

FINANCIAL IMPACT: None

DOCUMENTS ATTACHED:

1. Staff Report
2. Special Use Ordinance

RECOMMENDED MOTION:

We move that the Village Board waive the first reading and approve the herewith attached Special Use Ordinance for a Bed & Breakfast at 998 Victoria Street.

VILLAGE OF ANTIOCH

ORDINANCE NO.

***AN ORDINANCE GRANTING A SPECIAL USE FOR A BED & BREAKFAST LOCATED
AT 998 VICTORIA STREET
(PZB 20-06)***

ADOPTED BY THE PRESIDENT AND BOARD OF TRUSTEES

OF THE

VILLAGE OF ANTIOCH, ILLINOIS

ON

September 14th, 2020

**Published in pamphlet form by authority of the Village Board
of the Village of Antioch, Lake County, Illinois,
this _____ day of September, 2020**

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
		DANIEL YOST	Trustee

ORDINANCE

AN ORDINANCE GRANTING A SPECIAL USE FOR A BED & BREAKFAST LOCATED AT 998 VICTORIA STREET (PZB 20-06)

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 13, 2020, following notification as required by State Law and Village Ordinance to consider a petition for a Special Use allowing for a Bed & Breakfast located at 998 Victoria Street, Antioch, Illinois.

WHEREAS, the Combined Planning Commission recommended approval of the Bed & Breakfast at the meeting of August 13, 2020 by a vote of 6-0.

WHEREAS, the applicant is proposing to convert an existing single-family home located at 998 Victoria Street into a four-bedroom Bed & Breakfast.

WHEREAS, the applicant has submitted plans that incorporate a four- bedroom Bed & Breakfast with a maximum of eight guests at a time and a parking plan for a maximum of seven vehicles. The parking plan allows for two vehicles to be parked in the existing garage and four vehicles to be parked in the existing driveway of the subject property.

WHEREAS, the applicant's Special Use will be limited to the operation of a Bed & Breakfast provided that the outdoor operation of any special events shall be prohibited.

WHEREAS, the Corporate Authorities have concluded and found that the Special Use, 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 special use will not be injurious to the use and enjoyment of other property in the immediate are for the purpose already permitted;
- b) The special use will not substantially diminish property values within the neighborhood;
and
- c) The establishment of the Special Use will not impede the normal and orderly development and improvement of the adjacent properties for uses permitted in the subject zoning district.

WHEREAS, the Corporate Authorities have concluded and found that the Special Use will further enhance economic development within the Village 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 Special Use 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 Special Use 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
- B. Applicants Business Plan

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 _____ day of September, 2020

Ayes: Nays: Absent/Abstain:

Scott A. Pierce
Daniel Yost
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 _____ 2020.



REPORT TO: VILLAGE PRESIDENT and BOARD OF TRUSTEES
FROM: MICHAEL S. GARRIGAN, Esq, AICP, CNU-A, Community Development Director
DATE: September 9, 2020
SUBJECT: REPORT TO VILLAGE BOARD

CASE: Oksanen Bed & Breakfast
20-06 SU

REQUEST: Special Use

LOCATION: 998 Victoria Street

APPLICANT: Elizabeth Oksanen

ZONING: R-3

Background

In accordance with Section 10-14-1 of the Village of Antioch's Zoning Ordinance, a conversion of a single-family home into a Bed and Breakfast requires a Special Use permit. The applicant is proposing to convert the property commonly known as 998 Victoria Street into a Bed and Breakfast. The subject property is a historic two-story Queen Anne home which has recently been restored. The property has been used as single-family home and the sale of the property is subject to approval of this proposed Special Use.

Special Use

When reviewing any proposed Special Use, it is important to look at the surrounding uses and determine whether what is being proposed is consistent with the character of the area. Therefore, it is necessary to look at the site's context, the nature of the surrounding uses and potential impact that the Special Use will have.

Below is a summary of the surrounding uses:

North: Single-Family Home - R3
East: Single-Family Home - R3
South: Apartments – R3
West: Single-Family Home –R3

In accordance with Section 10-2-12, any proposed Special Use must comply with certain findings of facts that are outlined in this section of the Zoning Ordinance. The required findings of facts are as follows:

ANALYSIS

- a) The Special Use will not be injurious to the use and enjoyment of other property in the immediate area for the purposes already permitted, not substantially diminish property values with the neighborhood; and*

The general character around the subject property is Single-Family, except for an apartment building which is adjacent to the subject site and another four-unit apartment building located to the east of the property. Based on the existing single-family character, the zoning question before the PZB is whether using the subject single-family home for a bed & breakfast would have any negative impact on the adjacent single-family homes.

The applicant is not proposing to make any exterior or significant interior changes to the current property. The only thing that would indicate that this single-family house is being used as a bed & breakfast would be a sign in the front yard.

The applicant is proposing to have a bed & breakfast with four (4) guest bedrooms and a maximum of eight (8) guest in the building. The applicant has further identified that the bed & breakfast would only be used during the weekend, Friday through Sunday for guest.

Parking

The applicant 's site incorporates a total of seven (7) parking spaces. Five (5) parking spaces would be in the driveway and two (2) spaces would be in the garage. Village Code requires two (2) parking spaces and one (1) space per bedroom for B&B units.

Based on this finding, there is nothing to indicate that the applicant's proposed use would have a real impact on changing the character of Victoria Street or reduce any property values of the surrounding properties. The historic nature of this house and recent restoration affords itself as a bed & breakfast.

- b) The establishment of the Special Use will not impede the normal and orderly development and improvement of the adjacent properties for uses permitted in the subject zoning district.*

The proposed use of this single-family home should not impede the continued investment that homeowners have been making in the single-family homes around the subject site. As reflected by the subject property, numerous homes on Victoria, Harden, and Spafford have been renovated due to the proximity to Downtown and the historic character of the surrounding area.

As highlighted above, the subject property is adjacent to an apartment building that is not in character with the single-family character of the neighborhood. Staff believes that the proposed use of the subject property would have substantially less of an impact than the existing apartment building that is adjacent to the property on the surrounding neighborhood.

RECOMMENDATION

The proposed Bed & Breakfast as outlined above meets the required finding of facts that are required for a Special Use. The proposed use will have no negative impact on the adjacent properties and will not alter the essential single-family character of the area. As proposed, this use will be a low impact on the neighborhood.

The PZB should determine what parking standard should be used for this bed & breakfast and if the higher standard is used, is there support for relief for the applicant's proposed use to allow one (1) space per bedroom.

Based on the foregoing analysis, Staff makes the following recommendation:

We move that the PZB recommend approval of the applicant's proposed Special Use for 998 Victoria Street as a Bed & Breakfast subject to the following stipulations:

- 1. Compliance with the requirements of the Antioch Fire Protection District.***
- 2. Compliance with the requirements of the Village Engineer.***
- 3. The applicant be prohibited from having patrons parking on Victoria Street in a manner that would block a fire truck or emergency vehicle.***