

**Planning and Zoning Commission Meeting
Minutes**

January 15, 2025

CALL TO ORDER

The Regular Meeting of the Planning and Zoning Commission of the Village of Mundelein was held on January 15, 2025 at 300 Plaza Circle, Mundelein. Commission Chairman T. Roswick called the meeting to order at 7:00 PM.

PLEDGE OF ALLEGIANCE

Chairman T. Roswick led the Pledge of Allegiance.

ATTENDANCE

Recording Secretary E. Swanson took the roll call. It indicated as follows:

Board Attendance

PRESENT: Chairman Roswick, Commissioner Anderson, Commissioner Garesche, Commissioner Holden, Commissioner Schneckloth, Commissioner Teehan
ABSENT: Commissioner Petti

Village Attendance

PRESENT: Senior Planner Malec, Senior Planner Guadarrama, Associate Planner Marvin, Recording Secretary Swanson

PUBLIC COMMENTARY

Chairman T. Roswick opened the floor to general public commentary.

Karen Rainish of 693 Wortham Drive spoke about a requested change to the minutes from the meeting held on December 18, 2024. She provided the attached document to clarify her statement at the December 18, 2024 meeting.

MINUTES APPROVAL

**Approve the Planning and Zoning Commission Regular meeting minutes from
December 18, 2024**

S. Schneckloth moved, seconded by K. Anderson to approve the December 18, 2024, Planning and Zoning Commission Regular Meeting Minutes with the addition of Ms. Rainish's clarification on her statement.

RESULT: Passed [Yes 6, No 0, Abstained 0]

MOVER:	Commissioner Sophia Schneckloth
SECONDER:	Commissioner Kevin Anderson
AYES:	Terry Roswick, Kevin Anderson, Kerry Garesche, Jennifer Holden, Sophia Schneckloth, Kevin Teehan
NAYS:	None
ABSTAIN:	None

OLD BUSINESS

PUBLIC HEARING - Continuation from December 18, 2024 of PZC-15-2024 - 760-780 S Midlothian Road - Use Variation - Outdoor Contractor Storage Yard and Office in the R-1 District

C. Malec gave the attached PowerPoint presentation with a brief overview and history of the case. The applicant is requesting a variation to permit an Outdoor Storage Yard and Office in a R-1 Single-Family Residential zoning district.

Chairman T. Roswick swore in all in attendance who wished to speak at the public hearing.

At 7:18 PM, Jim Babowice, attorney on behalf of the applicant, began his presentation on the history of the case and the request of the applicant. He stated that Midlothian is a major collector road, and in review of the Village of Mundelein's Comprehensive Plan, one of the goals of the Village is to support business development and growth. It was also stated that the property is irregularly shaped consisting of two pie-like pieces that accumulate just under 3 acres of land.

Cindy Gonzalez, daughter of the property owner was brought forward to present information on conversations she witnessed during property walk-throughs with the previous owner and conversations at the property closing. When walking the property prior to closing Ms. Gonzalez stated that there were pallets and concrete paver stacks throughout the front parcel of land. She also stated that there was never any discussion with the previous homeowner that indicated that the property was in the process of being annexed into the Village of Mundelein.

Jose Gonzalez, the property owner, was brought forward to discuss the history of the property. Mr. Gonzalez (with Spanish interpretation being done by his daughter C. Gonzalez), stated that he bought the property for \$350,000. Prior to the purchase of the property, on walk-throughs there were commercial trailers and trucks already being parked on the property.

Commissioner K. Garesche questioned whether he had used an attorney to assist him with the real estate transaction. Mr. Gonzalez stated that he did have an attorney, but did not have a copy of the contract with them.

The commission reviewed the annexation timeline. The property was annexed into the Village of Mundelein in June 2019 and the property was purchased by the current owner in July 2019. Mr. Babowice stated that the annexation was not recorded nor publicly available until the closing of the property was already scheduled.

Commissioner K. Garesche questioned whether due diligence was performed for the zoning use. The deed to the property would have been taken with all restrictions and the annexation would have been recorded on the title. K. Garesche stated that it would be highly unusual to have a gap in record between all documents on record for residential use. There was further discussion on the zoning history. The property was zoned residential when it was under Lake County zoning, and the annexation into Mundelein was also residential. There was no history found of commercial or industrial zoning for this property.

Mr. Babowice presented a photograph of aerials from 2018 and 2024 showing commercial trucks allegedly present before and after the annexation. (STAFF NOTE: THE AERIAL SHOWN BY THE PETITIONER LABELED AS '2018' IS ACTUALLY A 2022 AERIAL FROM LAKE COUNTY GIS). It was stated by Mr. Babowice that the business has been in operation for several years without complaint until now.

Cindy Gonzalez stated that the property was only used at this point to park work trucks. She claims there is no landscaping production on site. She said that there is no office work done in the residential structure, as they conduct their office business at their family home in Mundelein.

Mr. Babowice asked Mr. Gonzalez (with Spanish interpretation assistance from his daughter, Cindy Gonzalez) about improvements made to the property since his purchase in 2019. Mr. Gonzalez stated that he improved the landscaping and added a secure fence with gate. He also installed lighting that faced down and away from the residences. Mr. Gonzalez also stated that the property would be of no use to him if he can not use it for his landscaping business. He also plans to provide more screening and has plans to add more arborvitae trees. He has been operating his business without incident.

At 7:55 PM a member of the public stood up during the Petitioner's presentation and requested clarification on the proceedings. She requested to be allowed to give her commentary immediately, but Chairman T. Roswick indicated that there would be a public commentary opportunity after the presentation. She asked how long the applicant would be allowed to present and Chairman T. Roswick clarified that the

applicant is allowed due process and has no time limit on their presentation. T. Roswick let all members of the public know that there will be more opportunity to present new information that was not heard at the last meeting after the applicant's presentation is complete.

Mr. Babowice continued his presentation and showed video footage taken by Cindy Gonzalez. The first video showed the arborvitae trees that were planted along the fence line on the front piece of the property. The second video showed the open field in the back piece of the property. She pointed out that there did not appear to be damage along the fence line a resident claimed was damaged by them. It was stated that there is no development planned for the rear of the property.

Glenn Christensen, a landscape architect on behalf of the applicant gave a presentation on the site plan. After a brief discussion on his background he stated that he recommended that the applicant install an 8 foot tall fence in the rear of the parcel, as well as more arborvitae trees along the side facing the neighbors to increase screening. He stated that he also recommended that the applicant hire a civil engineer to review any areas to be paved to ensure they would meet any watershed requirements with the issue of parking vehicles and the potential issue of vehicle fluids being put into the ground.

The commissioners did question Mr. Christensen as to the height of the fence he recommended. The maximum allowable fence height in the Village is 6 feet. Mr. Christensen said he had not looked into the code and had assumed since it was an interior yard that 8 feet would have been an allowable height.

Public Commentary was previously opened on December 18, 2024. At 8:26 PM on January 15, 2025 public commentary resumed.

Claudio Diaconeasa of 681 Waverly Drive provided some photos to the commission showing the variety of commercial vehicles that can be seen from his property (also included in his written public commentary, which is attached). Mr. Diaconeasa also spoke of the petition against this application by several of the residential property owners in his subdivision.

Alicia Valestin of 677 Wortham Drive pointed on the map where the two neighbors that she knew of who were in support of the application. Ms. Valestin read a statement written by her son on his his experience in the cul-de-sac and the hindrance that having the contractor storage yard has placed on his ability to enjoy the outdoors. Ms. Valenstin continued on to read a statement she prepared highlighting the history of the property (included within the attached public commentary) including a recorded copy of the annexation agreement and statements made by Lake County staff as to the history of the use of the property. Ms. Valestin also discussed the topic of the

property's possible environmental impact of allowing outdoor contractor storage next to Wortham Park.

At 8:45 PM Ron Salski, Executive Director of the Mundelein Park District spoke of Wortham Park. Mr. Salski discussed that the intended use of this park is for residential use and this park in particular has had challenges relating to erosion and water quality that the Park District has been putting in effort to keep in good condition for residents. Mr. Salski went on to voice concerns on the environmental impacts of the outdoor contractor storage next to Wortham Park and stated that there may be an environmental impact study needed by an outside party to fully assess the intended use's impact.

RESULT:	Passed [Yes 7, No 0, Abstained 0]
MOVER:	Commissioner Kevin Anderson
SECONDER:	Commissioner Kerry Garesche
AYES:	Terry Roswick, Kevin Anderson, Kerry Garesche, Jennifer Holden, Steven Petti, Sophia Schneckloth, Kevin Teehan
NAYS:	None
ABSTAIN:	None

Commission Discussion began at 8:48 PM

K. Garesche stated that historically on the PZC, we have spent much time considering impacts businesses have on surrounding areas even when the property in question is properly zoned for the use. It has been a priority of the Village to support and facilitate business growth, but that being said, Mundelein is a greenspace town and these areas should be protected. For the details of this particular case, the property owner entered a residential contract with the seller. If there was a conflict that caused a misunderstanding of the allowed use of the property, the complaint would be with the prior seller, not the Village. K. Garesche stated that she would not be in favor of this use on a residentially zoned parcel, and that there are other locations in Mundelein available for the storage of trucks.

S. Schneckloth discussed the facts and hardships related to the case. The hardships the property owner is facing are self created and allowing this use to continue would be a detriment. The property owner was operating without a business license on a property that was not zoned for the use, and the property location is adjacent to a park and neighborhood.

J. Holden stated that she would not want to set a precedent that would allow other businesses to move into R-1 zoned properties to convert them into commercial or industrial properties without any unique hardships.

K. Anderson stated that this location is not conducive to the business use and controls on future use of the property could be an issue.

RESULT: Passed [Yes 7, No 0, Abstained 0]
MOVER: Commissioner Kevin Anderson
SECONDER: Commissioner Kerry Garesche
AYES: Terry Roswick, Kevin Anderson, Kerry Garesche, Jennifer Holden, Steven Petti, Sophia Schneckloth, Kevin Teehan
NAYS: None
ABSTAIN: None

RESULT: Passed [Yes 7, No 0, Abstained 0]
MOVER: Commissioner Sophia Schneckloth
SECONDER: Commissioner Kevin Anderson
AYES: Terry Roswick, Kevin Anderson, Kerry Garesche, Jennifer Holden, Steven Petti, Sophia Schneckloth, Kevin Teehan
NAYS: None
ABSTAIN: None

NEW BUSINESS

PUBLIC HEARING - PZC-19-2024 - 1126 Magnolia Road - Variation - Size of Accessory Structure

Motion to open Public Hearing PZC-19-2024

RESULT: Passed [Yes 6, No 0, Abstained 0]
MOVER: Commissioner Sophia Schneckloth
SECONDER: Commissioner Kerry Garesche
AYES: Terry Roswick, Kevin Anderson, Kerry Garesche, Jennifer Holden, Sophia Schneckloth, Kevin Teehan
NAYS: None
ABSTAIN: None

Staff Presentation

I. Guadarrama reviewed the attached PowerPoint presentation and reviewed the

details and history of the property. The petitioner is applying for a Variation to allow an accessory structure (pergola) which exceed the allowed accessory structure maximum size of 144 square feet at 1126 Magnolia Road.

Commissioner S. Schneckloth stated that the commission had previously permitted larger pergolas over existing structures because it did not increase the impervious surface footprint of the property. One example is in the Longmeadow subdivision.

Public Commentary

Pat McCansky, a neighbor, questioned if the HOA had been contacted for approval. John Carter, property owner at 1126 Magnolia Road, responded that they had gone through the HOA and the pergola was approved. Mr. McCansky stated that the pergola is not obtrusive and has no objections.

Carol Marquist, a neighbor, stated that she sees the pergola when walking the neighborhood and feels it is a positive addition to the neighborhood and hopes it gets approved.

John Carter, property owner at 1126 Magnolia Road clarified that he had gone to the HOA originally for a gazebo. The HOA does not approve gazebos as they have roofs on the structures, but a pergola is open air and approved by the HOA.

Commission Discussion

Commissioner S. Schneckloth stated that she would be in support of the approval. There is no increase in footprint. The size discrepancy is mostly due to a large overhang. The lot in question is larger and falls in line with previous approvals by the commission for similar projects. Commissioner K. Garesche stated she also supports approval for the same reasons.

J. Holden questioned the alteration in the field. It was stated that there were several places that there were alterations during construction. Eric Hagen of Craiger Custom Design stated that they had picked up on the design from another bid on the property without viewing the project location. Upon installation there were conditions with the location that needed to be addressed to allow for access to the steps and to avoid drilling through the brick patio. I. Guadarrama stated that upon when the building inspector reviewed the post holes - the distance between post holes was not inspected, so discrepancy in size was not found by the Village until completion of the pergola.

Commissioner Schneckloth stated an interest in a possible zoning amendment for increasing maximum accessory building size. The commission discussed the possibility of using a sliding scale in relation to size of the lot.

Motion to recommend **Approval** of a variation from **Section 20.52.050(A)(9)** to allow a pergola, which exceeds the maximum allowed square footage of 144 square feet, in the R-1 Single-Family Residential zoning district at 1126 Magnolia Road, including the findings of facts.

RESULT:	Passed [Yes 6, No 0, Abstained 0]
MOVER:	Commissioner Jennifer Holden
SECONDER:	Commissioner Sophia Schneckloth
AYES:	Terry Roswick, Kevin Anderson, Kerry Garesche, Jennifer Holden, Sophia Schneckloth, Kevin Teehan
NAYS:	None
ABSTAIN:	None

Motion to close Public Hearing PZC-19-2024

RESULT:	Passed [Yes 6, No 0, Abstained 0]
MOVER:	Commissioner Kevin Anderson
SECONDER:	Commissioner Sophia Schneckloth
AYES:	Terry Roswick, Kevin Anderson, Kerry Garesche, Jennifer Holden, Sophia Schneckloth, Kevin Teehan
NAYS:	None
ABSTAIN:	None

PUBLIC HEARING - PZC-20-2024 - 1464 S Butterfield Road - Variation - Motor Vehicle Service and Repair (Minor) Use Standards

Motion to open Public Hearing PZC-20-2024

RESULT:	Passed [Yes 6, No 0, Abstained 0]
MOVER:	Commissioner Sophia Schneckloth
SECONDER:	Commissioner Kerry Garesche
AYES:	Terry Roswick, Kevin Anderson, Kerry Garesche, Jennifer Holden, Sophia Schneckloth, Kevin Teehan
NAYS:	None
ABSTAIN:	None

Staff Presentation

J. Marvin reviewed the attached PowerPoint presentation and reviewed the details and history of the property. The petitioner is applying for a Variation to allow vehicles to be

stored on-site for a maximum of 21 days.

Petitioner Presentation

Luis Leon of Motus Auto Repair stated that the owner of the building had requested that he no longer use the parking spaces at American Mattress as they are trying to get a long-term lease in that location. The parking spaces for the American Mattress building exceed the amount needed. Mr. Leon is not concerned about people encroaching his designated spaces.

Commissioner Schneckloth stated that she would prefer to use area C on the map first for 21-day long-term storage.

Public Commentary

There was no public commentary.

Commission Discussion

Commissioner J. Holden brought up a difficulty finding hardship to warrant 21-day storage vs. what the Zoning Ordinance allows for "Major" auto repair (15 days). The Commission changed the length of time cars can be stored from the 21 days requested to 15 days.

Motion to recommend **Approval** of a variation to **Section 20.48.040(AA)** allowing vehicles to be stored on-site for a maximum of 15 days at 1464 S. Butterfield Road, incorporating the Findings of Fact as amended, with the following conditions:

- a. Long-Term parking must be located behind the building in location C and D; and
- b. Signage for the designated long-term parking stalls is required.

RESULT:	Passed [Yes 6, No 0, Abstained 0]
MOVER:	Commissioner Sophia Schneckloth
SECONDER:	Commissioner Jennifer Holden
AYES:	Terry Roswick, Kevin Anderson, Kerry Garesche, Jennifer Holden, Sophia Schneckloth, Kevin Teehan
NAYS:	None
ABSTAIN:	None

Motion to close Public Hearing PZC-20-2024

RESULT:	Passed [Yes 6, No 0, Abstained 0]
MOVER:	Commissioner Kevin Anderson

SECONDER: Commissioner Jennifer Holden
AYES: Terry Roswick, Kevin Anderson, Kerry Garesche, Jennifer Holden, Sophia Schneckloth, Kevin Teehan
NAYS: None
ABSTAIN: None

QUESTIONS AND COMMENTS

There were no additional questions and comments received.

ADJOURNMENT

Motion to adjourn the Planning & Zoning Commission Meeting of January 15, 2025

RESULT: Passed [Yes 6, No 0, Abstained 0]
MOVER: Commissioner Jennifer Holden
SECONDER: Commissioner Kevin Anderson
AYES: Terry Roswick, Kevin Anderson, Kerry Garesche, Jennifer Holden, Sophia Schneckloth, Kevin Teehan
NAYS: None
ABSTAIN: None

The Regular Meeting of the Planning and Zoning Commission adjourned at 10:31 PM.

Erin Swanson

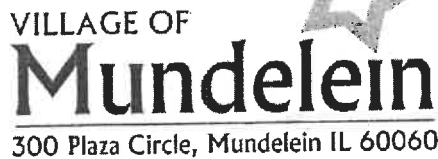
Erin Swanson
Recording Secretary



Planning & Zoning Commission Meeting
January 15, 2025
Village Hall

Sign-In Sheet

[illegible]

[illegible]

Karen Rainish
693 Wortham Drive
Mundelein, IL 60060
January 15, 2025

Re: Of the properties: 760-780 Midlothian Road in Mundelein being rezoned or given variances from the current "R" designation.

I am submitting this statement because the minutes for the December meeting did not include my most important statement. So I will clarify:

The above properties have two sections, front and back, starting off Midlothian Road. The side of the front property is higher than Wortham Lake in Wortham Park and is next to it. Rain run-off will go into the park district lake, which floods every spring and at other high-rain events. This covers the sidewalks at the front of the park. More paving and buildings on this property at the front will make this worse. The Lake has also caused flooding on Midlothian road, and I am not talking about last year when the pipe was broken. My property backs onto this park and lake that abuts a property line of these parcels. My family has lived here for over 30 years, and has a view of part of this property. The back part of this property is lower than all the residences along it. The back also abuts a daycare yard used for play.

In addition, I do not care to hear more dump trucks dump loads like large rocks, and I do not want to hear more grinding of trees into mulch. I am glad this business is successful, but we residents in this subdivision should not pay the price in disturbed peace and lower property value, should more development be allowed on this property.

Thank you,
Karen Rainish

From: [Erin Swanson](#)
To: [Colleen Malec](#)
Subject: FW: EXTERNAL -Planning & Zoning Commission Gonzalez petition (Case PZC-15-2024)
Date: Tuesday, January 14, 2025 8:10:51 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
Importance: High

From: Info <info@mundelein.org>
Sent: Tuesday, January 14, 2025 7:20 AM
To: Erin Swanson <eswanson@mundelein.org>; Amanda Orenchuk <aorenychuk@mundelein.org>
Subject: FW: EXTERNAL -Planning & Zoning Commission Gonzalez petition (Case PZC-15-2024)
Importance: High

Please see the attached public commentary for a PZC Case.

Please contact me if you have any questions or need additional information. Thank you and have a great day!



Jennifer Marshall | Executive Assistant to the Village Administrator

Village of Mundelein

300 Plaza Circle, Mundelein, IL 60060

P 847-949-3225 | F 847-949-0143

jmarshall@mundelein.org

From: Ricci, Ryan <RRicci@medline.com>
Sent: Monday, January 13, 2025 5:34 PM
To: Planning <planning@mundelein.org>; Info <info@mundelein.org>
Cc: ryanricci22@gmail.com
Subject: EXTERNAL -Planning & Zoning Commission Gonzalez petition (Case PZC-15-2024)
Importance: High

Caution: This message originated outside of the Village of Mundelein -- DO NOT CLICK on links or open attachments unless you are sure the content is safe. If you have any doubt, contact the sender by phone to confirm.

Hi Planning/Zoning team, my name is Ryan Ricci [689 Waverly Dr – property in green further below] and I was present at the December 18th hearing for the above case, to determine if 760-780 Midlothian Rd can be changed to commercial zoning versus its status today of residential. I will not be able to attend the continuance hearing this Wednesday, 1/15/25, as my wife and I

will be out of town, however, wanted to express our continued **opposition** for this petition from the Gonzalez family.

As we heard/confirmed at the 12/18 meeting, this property is surrounded by nothing but residential properties with the far point, the only part of which sits up against a commercial property [of which the petitioner has already confirmed not wanting to develop at this time], being a child care facility [KinderCare]. I expressed on 12/18 the damage that was already done to a portion of my fence, which was never fixed or even acknowledged in years past by the Gonzalez family – safety is a paramount concern especially having a 2 year old daughter. The amount of dust, dirt and vermin this site has brought, which neighbors have expressed concerns over both verbally and through email, I can personally validate being right on the property line. Their diesel engines are noisy and pungent, adding onto our environmental concerns, in addition to the parties held and what looks to be a dune buggy [or some type of other recreational vehicle] over the years that have resulted in the cops being called for being too loud.

Below are pictures to help visualize the operation of today [to confirm, none of these are zoomed in rather what I see, to scale, from my fence line or patio door] – this is a full blown commercial operation [trucks, heavy machinery, etc.], that only grows during the spring/summer/fall months, which has continued to operate as such on a residential property for years against a village code that all of us are expected to adhere to.

The Gonzalez family brings up in their petition that the topography of the property isn't suitable for residential use and that if the variation in use is not allowed, it would render it unusable to the Gonzalez family. To me, that speaks to a lack of research done on their end and ultimately their issue – I understand the annexation decision surrounding the property being made close to when the Gonzalez family purchased the property but, again, still their issue. They are only now filing due to complaints the Village has received after their operation became too big to ignore. There is no possible way the Gonzalez family can guarantee that public health or general safety would not be endangered, as they claim, when they have already proven both of them to be compromised through their practices of today.

While it was mentioned in the 12/18 meeting that if the property ever sold, it would revert back to residential, approving the zoning change would set a dangerous precedent for what other types of businesses could follow in similar footsteps. Any paving or formal development of this property would result in it being highly improbable of being purchased and/or used for residential purposes in the future.

I am aware that village members from 26862 N Midlothian and our neighbors, from 693 Waverly, have cast their approval for this petition. I would argue that the property at 26862 doesn't see/hear any of the concerns being outlined as the structure next to them is a house divided elsewhere by trees [not a storage yard filled with trucks, heavy machinery and material]. Our neighbors at 693 also do not reside in their property for 4 months of the year nor have young children that need to be considered.

I am not looking for the Gonzalez business to shut down, the ask is for their commercial base to simply move to a commercial property like all village members with businesses are expected to do. It does not matter what proposal is laid out by the Gonzalez family – my property value, nor my fellow neighbors, shouldn't have to plummet [as it undoubtedly will – the petitioner's claim that it won't is simply inaccurate] for a business that continues to operate in violation of village code. If the property isn't suitable for their residential use, they shouldn't have purchased it.

I would hope that the committee listens and respects the wishes of the overwhelming majority of voices who have spoken on this matter, who do abide by the ordinances we are all expected to follow rather than favoring a family that has done nothing but violate them over the past 5 years. We chose to purchase homes that backed up to a residential property. The Gonzalez family could have purchased any one of the vacant commercial properties in Mundelein, yet decided to purchase a residential property and willingly run a commercial business going against village ordinances for years.



Thank you for your time.

Ryan Ricci

689 Waverly Dr
Mundelein IL 60060
(847) 431-2187

Petition Against the Proposed Variation for an Outdoor Contractor Storage Yard and Office in R-1 Residential Zoning at 760-780 South Midlothian Road, Mundelein, IL

To:

**The Mundelein Planning & Zoning Commission
Village Hall 300 Plaza Circle
Mundelein, IL 60060**

Reasons for Opposition:

1. Unlawful and unregistered operation of Petitioners' landscape business.
 - a. Upon securing the property on July 15, 2019, the Petitioners were fully aware that the property was zoned for R-1 residential use and begin to fully operate a commercial landscaping business illegally that subsequently led to profit and growth of their business, Jose Gonzalez Landscaping, Corp.. Petitioners' are not asking for permission to start a new business but rather after 5 years of unlawful operation ask for forgiveness to continue to operate such business on land that was and still remains zoned as R-1 residential zoning.
 - b. Petitioners' landscape business is not legally registered to operate in the city of Mundelein since its operation on property as of July 15, 2019.
2. The property is flanked on both the north, west and east by properties zoned in both Mundelein and unincorporated Lake County as R-1 Residential as noted in the attached Fremont Township Zoning map.
3. Property well suited for R-1 Residential District
 - a. The irregular shape of the lot should have no bearing nor impact on residential use. In fact, the use of vacant open space is what a lot of families within Mundelein seek. Kids would love to have a 3 acre back yard to play football, soccer, baseball field or a temporary hockey rink as most residential properties do not offer this residential benefit.
 - b. The property has been zoned as unincorporated Lake County and Mundelein since acquired by the Sawvell Family on June 21, 1985 and has never been petitioned nor has ever been not well suited for 40 years otherwise.
4. Property Annexation Responsibility & solely lies upon Petitioners and is irrelevant to the petition request.
 - a. Despite the fact the prior owner did not notify the Petitioner that the Property was in the process of being annexed to the Village, the application for annexation was dated on June 24, 2029. The Annexation page 2 of 32, lines 18-20 was signed by Village Mayor.

- b. It was not the intent of the previous owner who purchased the Property in 2015, at which time the Property was and continues to be used as a single-family residential home ("Existing Use") as stated in the Annexation application with the interpretation of rezoning or redevelopment to be used as future development of multiple residential home sites, an extension of the Mundelein park district or open space use. The rezoning was not classified as Commercial Property zoning use.
 - c. Page 3 of 32 of the Annexation application, lines 41-45 clearly state the property was classified as R-1 Residential use.
5. Page 4 of 32, line 58-62 of the Annexation Application state the following statements:
 - a. Control the development of the area being annexed and,
 - b. Otherwise enhance, promote and serve the best interests and general welfare of the VILLAGE and its residentsPermitting the variation to this current R-1 Residential property go against the general welfare of the VILLAGE and its surrounding residents
6. Page 5 of 32, lines 81-82 of the Annexation application Section 2.2 ZONING
 - a. The property shall be zoned as a single family residential
7. Page 9 of 32, lines 155-165 of the Annexation agreement state
 - a. Term- Annexation Agreement shall be binding and all subsequent OWNERS of the property for a (20) year term
8. Page 15 of 32, lines 252-260 of the Annexation application signed by Mayor & VILLAGE Effective June 24, 2019
 - a. This annexation was signed prior to the Petitioners owning and closing on the property on June 19, 2019 by Gerald R. Teegan per lines 295-302 with full knowledge and blaent disregard of the annexation approval that occurred prior to their ownership of the Property.
 - b. Page 18 of 32, A temporary water supply agreement was entered to the VILLAGE on Jan 14, 2024. Again demonstrating that the Petitioners were in full knowledge of upon entering to own the property with full disregard to the R-1 Residential terms of the Annexation application and approval by the Mayor and the VILLAGE.
9. Petition for Annexation was entered on Nov 1, 2018 and a signed affidavit entered on November 1, 2018 and signed on November 2, 2018.
10. Request for Annexation fee wavier was entered on May 10, 2019 also stating a R-1 Single Family Residential property. Record shows proof of Annexation request documentation at least 8 months prior to the sale of the Property to the current owners.
11. **As provided and attested by Thomas Chefalo, AICP, the Zoning Mpas Updated as of 05/01/2019 as provided by Mr. Thomas Chefalo.** Under Lake County, plats were zoned previously as Residential prior to and since May 2019 which was recorded as Residential 2 months prior to Gonzelaz entering into any purchase agreement with the Seller Gerald Teegen. AND were so as recorded in the historical files dated back to the property in 1985 always as R-1 single family Residential.
 - a. Dated back as 2010- Property was classified as Residential & Open grassland/open space

12. As provided by and attested by Thomas Chefalo, Areas of exiting gravel, including the gravel driveway leading up the side of the property in front of the house dwelling are in fact NOT grandfathered in and are not permissible per land code and is a current violation of the property. Plans to replace the installed gravel area both in front of and behind the house of the property will be required to be reassessed per land survey as it is compromising the structure of the pond and water runoffs.
13. The Property flanks on the west by Wortham Park.
- a. Preservation of the park, its natural resource and wildlife in the water and land is of upmost importance to the community residents and residents of Mundelein. Allowing for this
 - b. The Mundelein Parks Foundation encourages health and recreation for the community through funding efforts that help promote and enhance facilities, services, programs, parks and special projects . The Mundelein Parks Foundation is a nonprofit 501 (c) (3) charitable organization governed by an independent, voluntary board . The foundation seeks to strengthen community and family ties with a self-generating funding source .
 - c. Mundelein Park & Recreation District has a long history of providing parks and recreation for its growing community. With over 780+ acres of dedicated park land, the District keeps advancing into an innovative and expansive system. Our mission has continued to evolve as it states, "Connecting the community with safe and quality recreation through diverse programs, facilities and open space."
 - d. With 28 parks and natural space in the city of Mundelein, of which there are ZERO parks/natural space that are located to any R1 Residential Variation and ZERO properties that are zoned within Commercial limits or use.
14. A zoning variation to operate a landscaping business will compromise the integrity of the park and surrounding community in which it seeks to continue to operate and expand.
15. In a MPRD survey conducted, Almost all (96.0%) of the respondents believe the MPRD is valuable to their community, with additional findings that showed an increase usage of open space and walking trails AND perception and importance of natural areas being important for the future of the MPRD.
16. As residents of Mundelein for over 25 years, the Petitioners business should have been aware of the needs of their growing business, the requirements for operating a business within a city permits and within a R-1 single family residence. As such consider a more suitable land for their growing business, one that is legally obtained and registered in Mundelein and doesn't impede the social and well being of nearing families, children and residential homes or park and pond preservation.

**AFTER RECORDING
RETURN TO:**

Community Development
Village of Mundelein
300 Plaza Circle
Mundelein, Illinois 60060



Image# 058366740032 Type: ANX
Recorded: 07/02/2019 at 12:57:27 PM
Receipt#: 2019-00032262
Page 1 of 32
Fees: \$30.00
Lake County IL Recorder
Mary Ellen Vanderwerker Recorder
File# 7573380

ANNEXATION AGREEMENT

by and between

THE VILLAGE OF MUNDELEIN

and

GERALD R. TEEGEN
(Property Owner)

DATED AS OF JUNE 24, 2019

10
11 PREAMBLES
12

13 A. The OWNER is the owner of record of certain real estate which is not within,
14 but is contiguous to, the corporate limits of the VILLAGE and is commonly known as 26754
15 and 26950 North Midlothian Road, Lake County, Illinois and legally described on Exhibit
16 A attached hereto and made a part hereof, comprising approximately 2.77 acres
17 (hereinafter referred to as "Property"); and

18 B. The OWNER purchased the Property in 2015, at which time the Property
19 was used and continues to be used as a single-family residential home ("Existing Use");
20 and

41 G. Section 6.4 of the VILLAGE'S Zoning Ordinance provides "Any territory
42 annexed into the VILLAGE shall automatically, upon annexation, be classified as R-1
43 Single-Family Residential District. That land shall be subject to the requirements of the R-
44 1 Single Family Residential District, unless otherwise provided for in the annexation
45 agreement or until the territory is rezoned."; and

56 J. The Corporate Authorities of the VILLAGE, after due and careful
57 consideration, have concluded that the annexation of the Property to the VILLAGE on the
58 terms and conditions herein set forth would further the VILLAGE's growth, enable it to
59 control the development of the area being annexed, increase the taxable value of the
60 Property within the VILLAGE, extend the corporate limits and jurisdiction of the VILLAGE,
61 and otherwise enhance, promote, and serve the best interests and general welfare of the
62 VILLAGE and its residents.

81 2.2 Zoning. At the same time as the Annexation is adopted, the Property shall
82 be zoned to the R-3 Single-Family Residential District.

252 VILLAGE: Village of Mundelein, Illinois, a municipal corporation

253 By: [Signature]
254 Mayor

255 Attest: [Signature]
256 Village Clerk

257 Dated: June 24, 2019
258
259
260
261

**TEMPORARY WATER
SUPPLY AGREEMENT**

THIS AGREEMENT entered into on January 14, 2019 by and between the VILLAGE OF MUNDELEIN, an Illinois home-rule municipality, 300 Plaza Circle, Mundelein, Illinois, 60060, (the "VILLAGE") and Gerald R. Teegan, 4071 Fairway Drive, Wilmette, Illinois 60091 (the "OWNER").

WHEREAS, the VILLAGE owns and operates a water supply system through which it sells and provides water to residents and businesses located within the Village boundaries; and

WHEREAS, the VILLAGE purchases Lake Michigan water from the Central Lake County Joint Action Water Agency ("CLCIAWA") through an agreement which provides, among other things, that the VILLAGE shall not sell and provide water to non-residents and businesses located outside the Village boundaries, unless it has received approval from the CLCIAWA Board to do so on a temporary basis not exceeding twelve (12) months while an annexation petition is pending; and

WHEREAS, the OWNER is the owner of record of the properties located at 26754 North Midlothian Road and 26950 North Midlothian Road, Mundelein IL, 60060 in unincorporated Lake County, Illinois which is legally described on Exhibit A attached hereto and made a part hereof (the "Subject Property"); and

PETITION FOR ANNEXATION

TO: The Mayor and Board of Trustees of the Village of Mundelein, Illinois

The undersigned Petitioner represents as follows:

1. The names and addresses of all of the owners of real estate covered by this Petition are as follows:

<u>Name</u>	<u>Address</u>
Gerald R. Teegen	4071 Fairway Drive
	Wilmette, IL 60091

2. The names and addresses of all electors residing on said real estate are as follows:

<u>Name</u>	<u>Address</u>
Same as above	

at least 51% of whom have signed this Petition.

3. The real estate proposed to be annexed hereunder is legally described and set forth on Exhibit A, which is attached hereto and made a part hereof.
4. A Plat of subdivision which contains an accurate map of the real estate proposed to be annexed hereunder is shown and set forth on Exhibit B, which is attached hereto and made a part hereof.
5. Said real estate is not within the boundaries of any municipality and is contiguous to the Village of Mundelein.

WHEREFORE, the Petitioner prays that the Mayor and Board of Trustees of the Village of Mundelein adopt an ordinance annexing said real estate to the Village of Mundelein, conditioned upon the parties entering into a mutually acceptable annexation agreement with respect to the subject property.

Dated: November 1, 2018

OWNERS OF RECORD:

Gerald R. Teegen

ELECTORS:

UNOFFICIAL

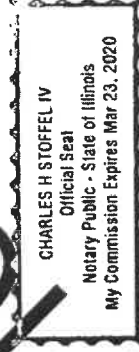
STATE OF ILLINOIS)
) SS:
COUNTY OF LAKE)

AFFIDAVIT

The undersigned, being first duly sworn on oath, deposes and says that the representations contained in the above Petition for Annexation are true to the best of his knowledge, information and belief.

Subscribed and Sworn to before me
this 7th day of November, 2018


Applicant's Signature




Notary Public

Gerald R. Teegen
4071 Fairway Drive
Wilmette, IL 60091

May 10, 2019

Village of Mundelein
Attn: Colleen Malec
300 Plaza Circle
Mundelein, IL 60060

RE: ANNEXATION OF 26754 AND 26950 NORTH WIDLOTHIAN ROAD,
MUNDELEIN, IL

Dear Ms. Malec:

Thank you for your help in guiding me through the annexation procedure.

At this time, I am requesting a partial waiver of the annexation fee, which was originally calculated to be \$11,384.70 (\$4,110 per acre for 2.77 acres). I'm asking for the fee to be reduced to \$1,150.80, to be paid at annexation, with the remaining \$10,233.90 to be paid upon redevelopment if it occurs.

The \$1,150.80 amount is suggested because the subject property, while 2.77 acres, only contains one single-family home. The annexation fee, which is calculated per acre and not by the intensity of the use, seems unreasonable for a single-family homeowner. Per the R-1 Single-Family Residential zoning regulations, the minimum lot size for one single-family home is 0.28 acres (12,000 SF). The requested reduction to \$1,150.80 is proportional to a typical R-1 single-family lot size (0.28 acres x the annexation fee rate of \$4,110/acre). If the property is ever sold and redeveloped, it would make sense at that time for the developer to pay the remainder of the required annexation fee.

Thank you for your consideration of this request.

Sincerely,



12

Updated as of 05/01/2019 as provided by Mr. Thomas Chefalo. Under Lake County, plats were zoned previously as Residential prior to and since May 2019 which was recorded as Residential 2 months prior to Gonzelaz entering into any purchase agreement with the Seller Gerald Teegen.

Thomas Chefalo, AICP

Principal Planner

500 W. Winchester Road, Unit 101 | Libertyville, IL 60048

main: 847.377.2600 |direct: 847.377.2120

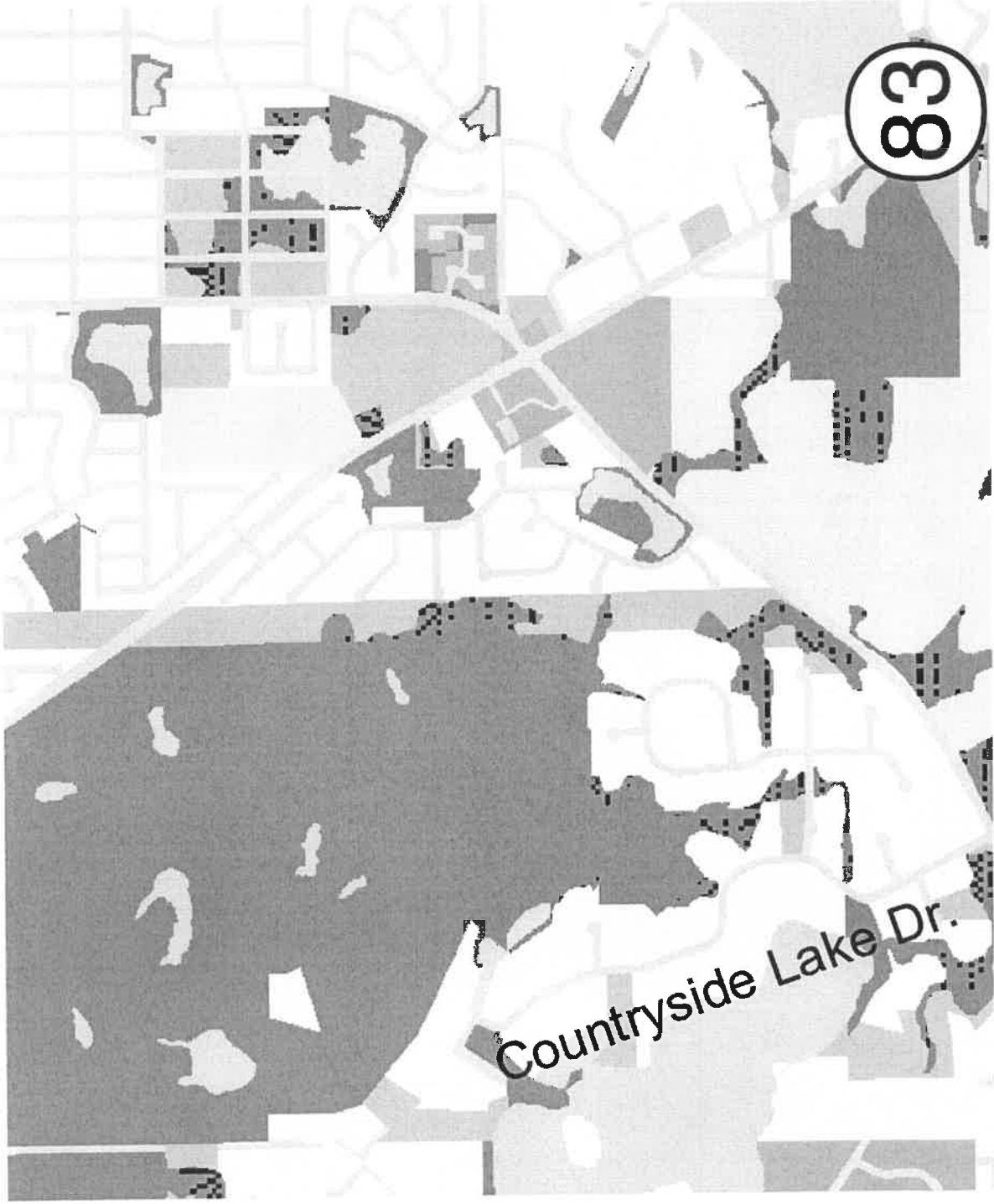
tchefalo@lakecountvil.gov

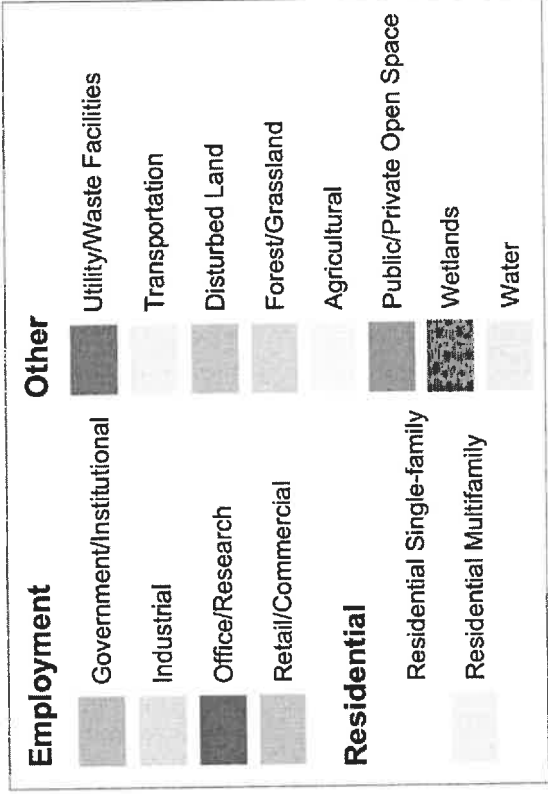


Updated 11/26/2024 Zoned as R-1 Residential under Mundelein Annexation while surrounding Lake County property still remains as R-1 Residential on both park sides.

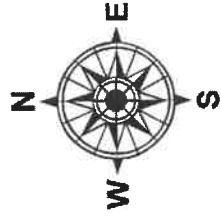


Zoning Year 2000

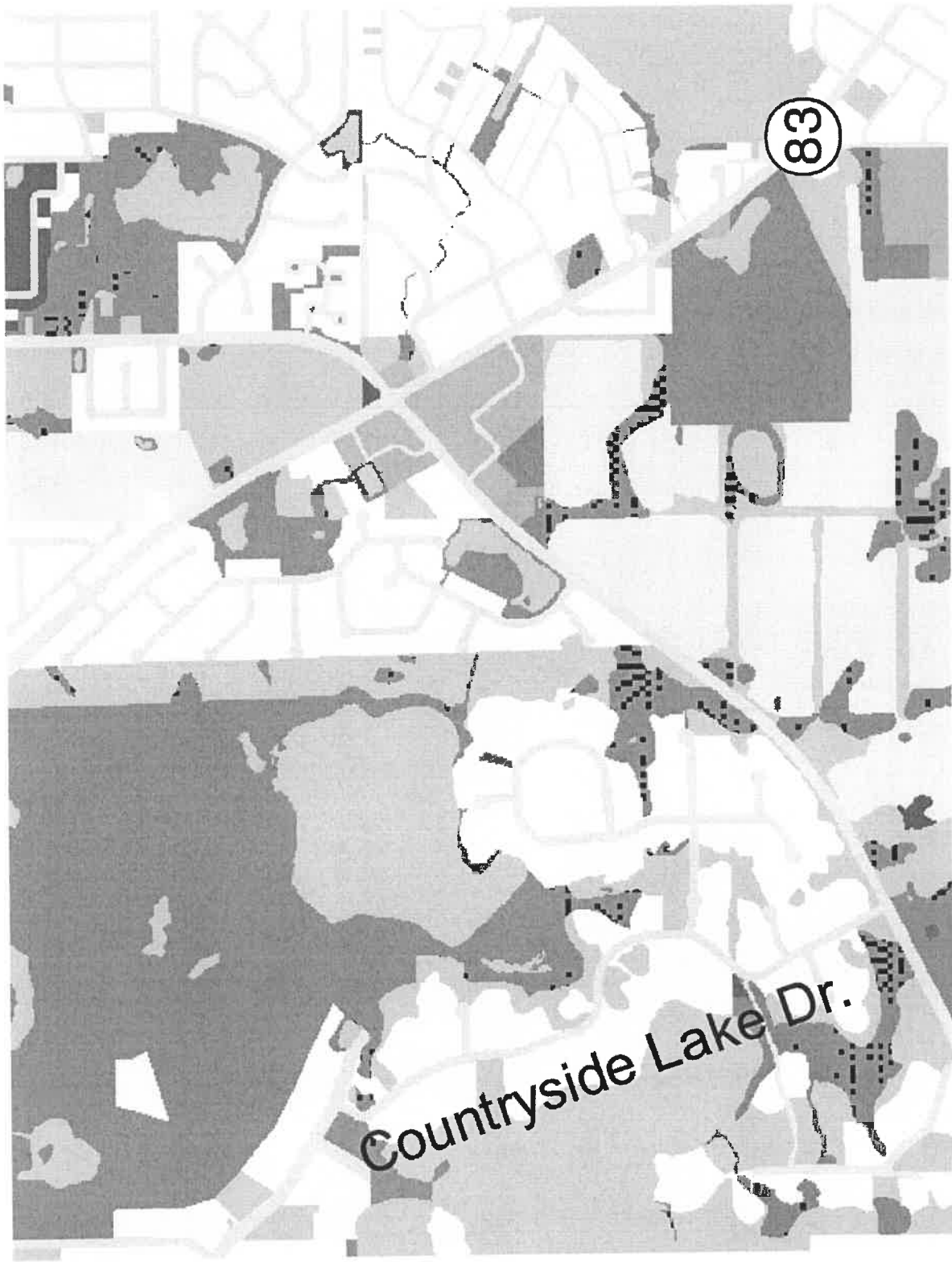




2000 Land Use



Zoning Year 2010

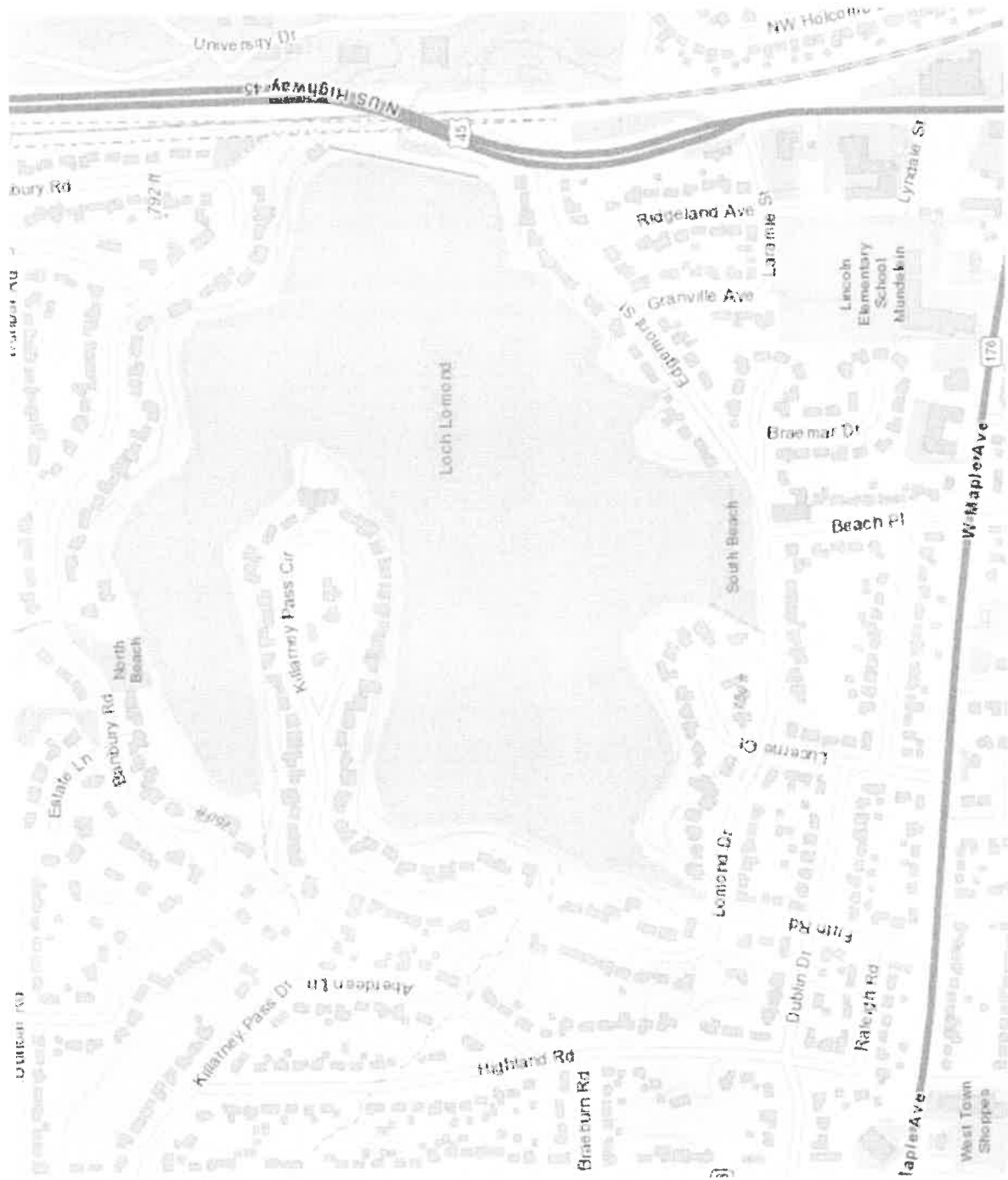


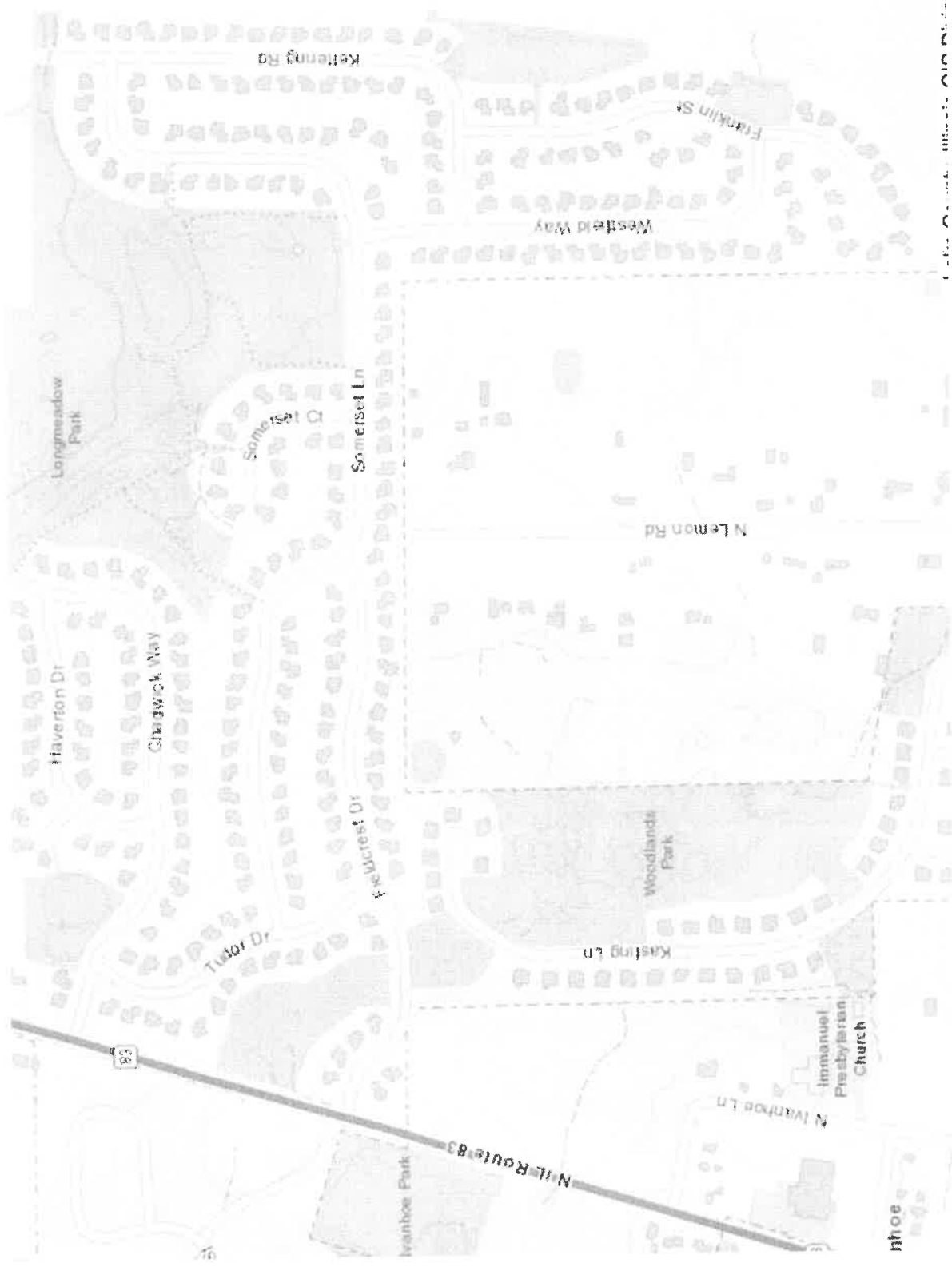












From: [Doug Gamroth](#)
To: [Planning](#)
Cc: [katie.smith](#)
Subject: EXTERNAL -Case PZC-15-2024 Public Commentary
Date: Monday, January 6, 2025 7:14:19 PM

Caution: This message originated outside of the Village of Mundelein -- DO NOT CLICK on links or open attachments unless you are sure the content is safe. If you have any doubt, contact the sender by phone to confirm.

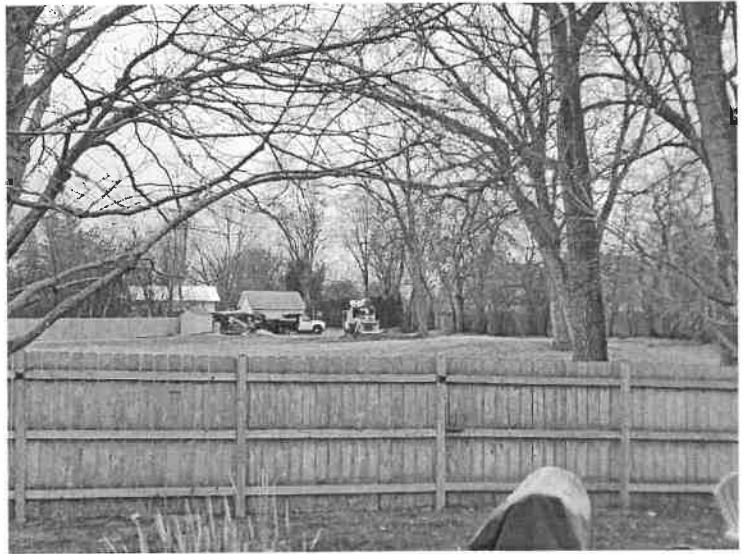
I'd like these photos of the property in question to be submitted to the case record. These photos are a 12/2024 view from the back yard of my residence at 1401 Thorton Way.

My residence would be heavily affected by a commercialized expansion of this property. It is our preference that this property maintain it's residential zoning. No amount of natural plantings on our property at this point could prevent the amount of noise, light, or dust pollution that accompanies the rezoning plans for that property. From mere speculation, if the dozen extremely mature trees seen I the attachments on that property were to be removed in the name of "progress" we would find our residence 100% exposed to whatever changes are in store.

As a resident this no doubt decreases our property value severely, thus lowering all of our property taxes. I'd like to believe that whatever tax gains incurred from the rezoning of that property will be eliminated by the property tax fallout in Cambridge of Countryside.

Thank you for your consideration on this matter.

Doug & Kathryn Gamroth



From: [Planning](#)
To: [Colleen Malec](#)
Subject: FW: EXTERNAL -PUBLIC Commentary on Planning & Zoning Commission Gonzalez petition (Case PZC-15-2024)
Date: Monday, December 2, 2024 9:11:24 AM

From: mlagalante <mlagalante@att.net>
Sent: Friday, November 29, 2024 1:05 PM
To: Planning <planning@mundelein.org>
Cc: Steve Odes <rphhomeopath@att.net>
Subject: EXTERNAL -PUBLIC Commentary on Planning & Zoning Commission Gonzalez petition (Case PZC-15-2024)

Caution: This message originated outside of the Village of Mundelein -- DO NOT CLICK on links or open attachments unless you are sure the content is safe. If you have any doubt, contact the sender by phone to confirm.

We received today a letter from the Attorneys for the petitioners, Maria & Jose Gonzalez, regarding Outdoor Contractor Storage in the Yard and Office in the R-1 Single-Family Residential zoning district at 760-780 South Midlothian Rd.

We will be unable to attend the Village meeting addressing this petition on Dec 18, 2024, and wish to record these comments.

We are adjacent neighbors to the west of these properties, and have the unique opportunity to observe activities on the property on a daily basis. The property is well-maintained by the owners, without any community impact nor disruption by the outdoor storage situation onsite. The Gonzalez family is hard working, considerate, polite and extremely neighbor sensitive to any impact from their own activities.

We encourage the Commission to endorse the petition for variation, as filed.

Respectfully submitted,

Marlene and Steve

Marlene Galante and Steven Odes
693 Waverly Dr
Mundelein, IL 60060

Sent via the Samsung Galaxy S23 5G, an AT&T 5G smartphone

From: [Chris Dombrowski](#)
To: [Planning](#)
Subject: EXTERNAL -case PZC-15-2024
Date: Monday, December 9, 2024 11:08:36 AM

Caution: This message originated outside of the Village of Mundelein -- DO NOT CLICK on links or open attachments unless you are sure the content is safe. If you have any doubt, contact the sender by phone to confirm.

I am Deborah Dombrowski. I live at 668 Wortham drive Mundelein. I have been at this residence for 14 yrs. I purchased it for its location, school district, privacy, and esthetic value. This proposed building of an outdoor contractor storage would damage ALL the reasons I bought my home. I grew up a landscape contractor's daughter and he required storage. I understand that but I also have full idea and experience with the amount of dust, dirt and vermin these sites bring. They are noisy and increase traffic particularly early in the morning as most construction businesses do. They store materials or use the area as a dumping ground increasing the population of vermin. Diesel engines are extremely pungent and those things would compromise this neighborhood's quality of living. I strongly object to this building and use of this property.

Thank you

Deborah Dombrowski
847 682-3595

From: dlfinch@comcast.net
To: [Planning](#)
Subject: EXTERNAL -Public Commentary - Case PZC-15-2024
Date: Wednesday, December 11, 2024 11:38:07 AM

Caution: This message originated outside of the Village of Mundelein -- DO NOT CLICK on links or open attachments unless you are sure the content is safe. If you have any doubt, contact the sender by phone to confirm.

Hi,

We have lived next to the property that is currently owned by Maria and Jose Gonzalez since 1998, before they purchased the property. We have no concerns with their zoning variation request. They have always been very pleasant to live next to, and very respectful in regards to noise control in the operation of their business. They are the best neighbors that we have had in the years that we have lived here.

Sincerely,
Laura M Finch
David L Finch
26862 N. Midlothian Rd.
Mundelein, IL. 60060

Erin Swanson

From: Tomas Solnicky <tomsol11@yahoo.com>
Sent: Monday, December 16, 2024 11:14 PM
To: Planning
Cc: Dorotka; Tim - Neighbor; c.diaconeasa@gmail.com
Subject: EXTERNAL -Petition Submission: Opposition to Case PZC-15-2024
Attachments: Petition Against the Proposed Variation for an Outdoor Contractor Storage Yard and Office in R.pdf; Signed petition.pdf

Caution: This message originated outside of the Village of Mundelein -- DO NOT CLICK on links or open attachments unless you are sure the content is safe. If you have any doubt, contact the sender by phone to confirm.

To: Mundelein Planning and Zoning Commission
Village Hall, 300 Plaza Circle
Mundelein, Illinois 60060

Dear Members of the Planning and Zoning Commission,

We, the undersigned residents, neighbors, and concerned citizens of Mundelein, hereby submit this petition in opposition to the request by Maria and Jose Gonzalez (Case PZC-15-2024) for a Variation from Table 20.28-1 of Section 20.28.020 to permit an Outdoor Contractor Storage Yard and Office within the R-1 Single-Family Residential zoning district at 760-780 South Midlothian Road, Mundelein, IL.

Reasons for Opposition:

1. Preservation of Residential Character

The R-1 zoning district is specifically designated for single-family residential use. Allowing a contractor storage yard and office would disrupt the neighborhood's character, diminishing the quality of life for residents.

2. Traffic and Safety Concerns

Commercial vehicle traffic entering and exiting the site poses serious safety risks to pedestrians, residents, and local commuters—especially near schools, parks, and residential streets.

3. Noise and Environmental Impact

Activities associated with a contractor storage yard will likely generate noise, dust, and pollution, impacting the peaceful environment and air quality that residents value.

4. Property Value Decrease

Introducing commercial operations into a residential neighborhood will likely decrease property values, deterring future investments and affecting long-term homeowners.

5. Precedent for Zoning Violations

Approving this variation could set a dangerous precedent, encouraging similar commercial encroachments in residential zones and undermining the integrity of Mundelein's zoning laws.

Call to Action:

We respectfully urge the Planning and Zoning Commission to:

- Deny the request for this Variation to protect and preserve the R-1 Single-Family Residential zoning district.
- Encourage the petitioners to explore alternative locations within existing commercial or industrial zones more suitable for such a use.

Conclusion:

We stand united in our commitment to preserving the residential integrity of our neighborhood and ensuring that zoning regulations reflect the best interests of Mundelein's residents. We trust that the Commission will carefully consider these concerns and act to deny this proposed variation.

Thank you for your attention and consideration.

Please find in attachment signed petition by our fellow neighbors.

Sincerely

Tomas Solnicky

On behalf of Petitioning Residents and Neighbors

630-802-3546
tomsol11@yahoo.com

Erin Swanson

From: Katie Smith <kathryn8smith@gmail.com>
Sent: Tuesday, December 17, 2024 9:01 PM
To: Daniel Juarez; Kara Lambert; Steve Lentz; Robin Meier; Jenny Ross; Erich Schwenk; Tim Wilson; Planning
Subject: EXTERNAL -Case PZC-15-2024 | Outdoor Contractor Storage

Caution: This message originated outside of the Village of Mundelein -- DO NOT CLICK on links or open attachments unless you are sure the content is safe. If you have any doubt, contact the sender by phone to confirm.

This email is regarding the proposed variation by Maria and Jose Gonzales (Case PZC-15-2024) to permit an outdoor contractor storage yard and office in the R-1 Single-Family Residential zoning district at 760-780 South Midlothian Road.

We the residents at 1401 Thorton Way have many questions and concerns about this proposed change. The property at 760-780 backs up to a residential subdivision with over 200 houses, eight (8) of which directly border the property in question.

The items that immediately come to mind include:

1. Additional commercial traffic to an already busy thoroughfare Midlothian Road.
 - a. This property exits directly across from the Countryside Fire Protection Service.
 - b. This already traffic-heavy area is within a few hundred feet of the traffic signal at 60 and Midlothian.
2. Construction yard contaminants, both ground and air, to the neighboring residential area will no doubt be significant.
 - a. Soil contamination from spills or leaks of the stored materials will travel via groundwater directly into the easement storm sewers and into the nearby retention pond that is home to various local wildlife.
 - b. Without knowing what materials will be held in this proposed yard, the typical storage yard base or gravel is enough to create dust and debris clouds any time they are utilized.
 - i. What control measures will be put in place for the additional pollutants to not alter the surrounding residents' current air quality?
3. Pollutants such as noise and light also need to be addressed by the proposer.
 - a. Noise pollution from machinery operations – noise ordinances and barriers?
 - i. Heavy truck reverse alarms
 - ii. Elongated cold fire diesel engine warmups
 - iii. Frequent loading and unloading of heavy commercial materials in the early mornings and late evenings
 - b. Light pollution from needed security lighting and morning/evening use.
 - i. What barriers will be put in place to prevent additional truck and yard lighting from hitting the neighboring residents' homes from dusk 'til dawn in order to keep the proposed construction yard safe and navigable?
4. Without knowing what is going to be stored, what measures will be put in place to make sure that OSHA compliance is upheld regarding; pesticides, herbicides, and fertilizers?
 - a. Will there be closed storage with inspected facilities to house potentially hazardous material?

b. Is there a waste disposal plan to recycle and properly dispose of materials generated onsite?

Not only do we have concerns about the items listed above, but as a resident that borders the property we are concerned with the inevitable reduction of property value that this entire residential area will endure if this is granted.

Respectfully,

Doug and Katie Gamorth

Petition Against the Proposed Variation for an Outdoor Contractor Storage Yard and Office in R-1 Residential Zoning at 760-780 South Midlothian Road, Mundelein, IL

To:

The Mundelein Planning and Zoning Commission
Village Hall, 300 Plaza Circle
Mundelein, Illinois 60060

Subject: Opposition to Case PZC-15-2024

We, the undersigned residents, neighbors, and concerned citizens of Mundelein, hereby voice our opposition to the petition by Maria and Jose Gonzalez (Case PZC-15-2024) requesting a Variation from Table 20.28-1 of Section 20.28.020 to permit an Outdoor Contractor Storage Yard and Office in the R-1 Single-Family Residential zoning district at 760-780 South Midlothian Road, Mundelein, IL.

Reasons for Opposition

1. **Preservation of Residential Character**
 - The R-1 zoning district is intended for single-family residential use. Allowing a contractor storage yard and office will disrupt the residential nature of the area, negatively impacting the community's character and quality of life.
2. **Traffic and Safety Concerns**
 - Increased traffic from commercial vehicles entering and exiting the proposed site poses significant safety risks to pedestrians and residents in the neighborhood, especially near schools, parks, and residential streets.
3. **Noise and Environmental Impact**
 - The operation of a contractor storage yard will likely generate noise, dust, and potential pollution, undermining the tranquility and environmental quality that residents value in this residential area.
4. **Property Value Decrease**
 - Commercial activities in a residential neighborhood can lead to a decline in property values, discouraging future investments and long-term residency in the area.
5. **Precedent for Zoning Violations**
 - Granting this variation could set a concerning precedent, opening the door to further commercial encroachments into residential zones, eroding the integrity of Mundelein's zoning laws.

Call to Action

We respectfully urge the Planning and Zoning Commission to:

- **Deny the request for a Variation** to ensure the protection and preservation of the R-1 Single-Family Residential zoning district.

- Consider alternative locations for the proposed outdoor contractor storage yard and office that align with existing commercial or industrial zoning classifications.

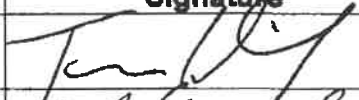
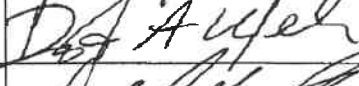
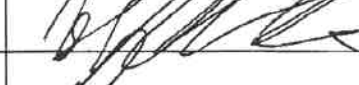
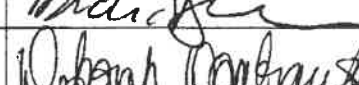
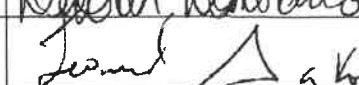
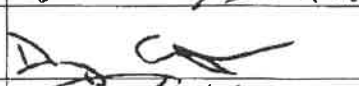
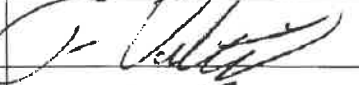
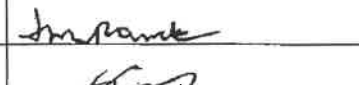
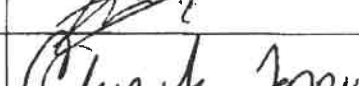
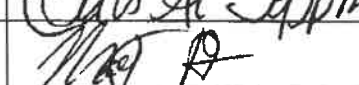
How to Support

Residents are encouraged to attend the public hearing on **December 18, 2024, at 7:00 p.m. at the Village Hall** to voice their concerns. Those unable to attend can submit written comments to **planning@mundelein.org**, with the subject line “Public Commentary Case PZC-15-2024.”

Conclusion

We stand united in our commitment to preserving the residential nature of our neighborhood and ensuring that zoning regulations reflect the best interests of Mundelein residents. We trust that the Planning and Zoning Commission will act in accordance with these priorities and deny the proposed variation.

Petition Against the Proposed Variation for an Outdoor Contractor Storage Yard and Office in R-1 Residential Zoning at 760-780 South Midlothian Road, Mundelein, IL

Printed Name	Address	Signature
TOMAS SOLNICKI	677 WAVERLY DR.	
DOROTA BUGAK	677 Waverly Dr	
Alexander Bugak	677 Waverly Dr	
Claudia Diaconasa	681 Waverly Dr	
Bianca Diaconasa	681 waverly dr.	
Deborah Dombrowski	688 Wortham Dr.	
LEW SAKODA	1405 THORNTON WAY	
DOUG GAMROTH	1401 THURTON WAY	
Jim Valesio	697 Wortham dr	
Alan C Ranchero	673 Waverly Dr.	
Josephine M Ranchero	673 Waverly Dr.	
LEONARDO M FIVI	1600 WAKEFIELD CT	
Chris Ann Toppin	1604 Wakefield ct	
Matt Roberts	681 Wortham Dr	
RYAN RICCI	681 WAVERLY DR	



USE VARIATION — CONTRACTOR STORAGE YARD

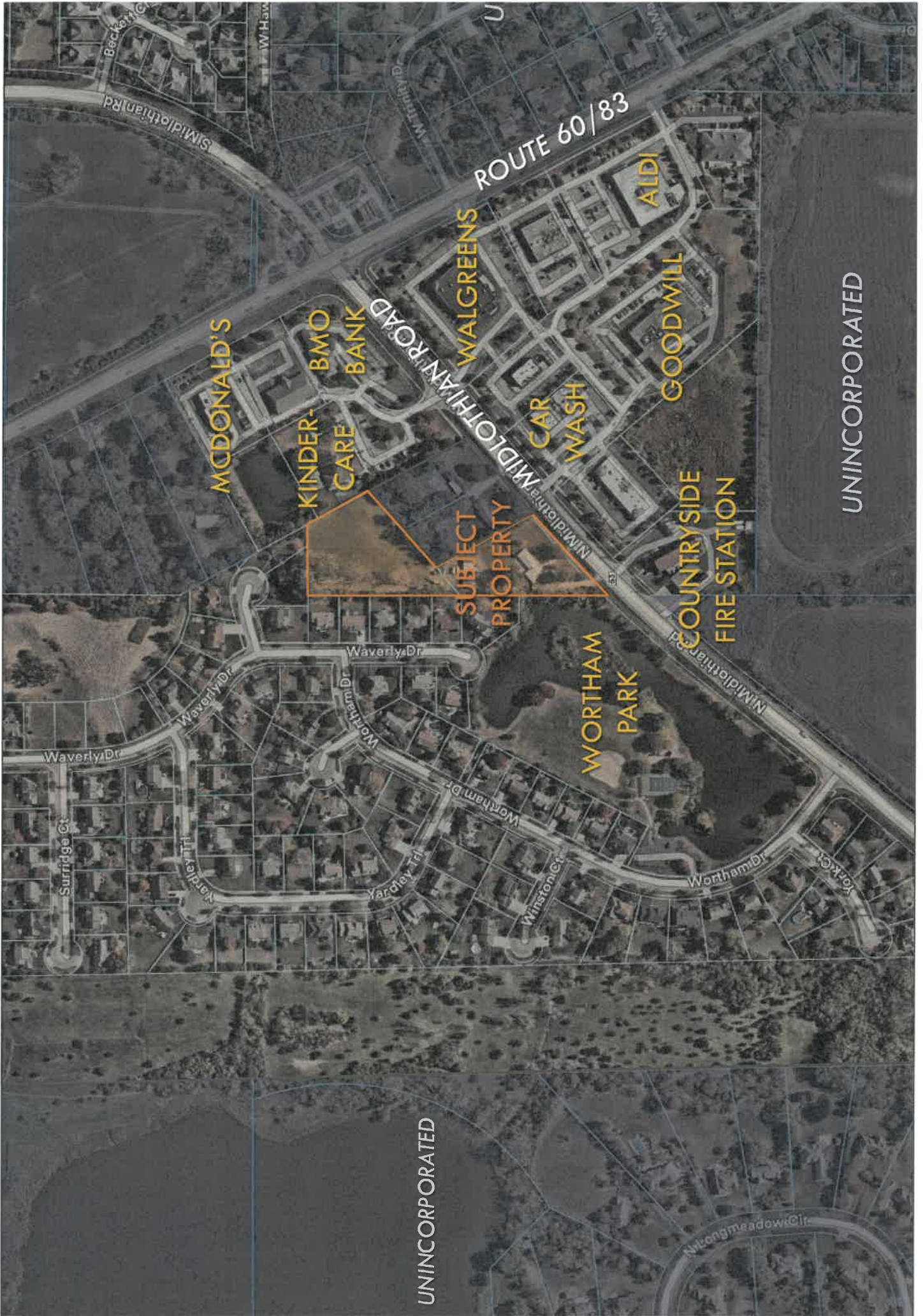
PZC-15-2024

760-780 S. MIDLOTHIAN ROAD

Staff Pr

January 1

Continued from



MCDONALD'S

KINDER-CARE
BMO BANK

WALGREENS

CAR WASH

ALDI

GOODWILL

COUNTRYSIDE
FIRE STATION

SUBJECT
PROPERTY

WORTHAM
PARK

UNINCORPORATED

UNINCORPORATED

ROUTE 60/83

N. MIDLOTHIAN RD

Surridge Ct

Waverly Dr

Worham Dr

Yardley Trl

Winston Ct

Worham Dr

Kirk Ct

N. Longmeadow Cir

Beckwith Rd

W. Hawthorn

ANNEXATION HISTORY

Annexed into village by Gerald Teegan (former owner) in 2019. Previously in Unincorporated Lake County.

Reason for annexing – Mr. Teegan had a failing well and asked to connect to the Village's water main instead.

- Village cannot provide water to unincorporated properties per agreement with Village's water provider CLCJAWA.

Unique elements to this annexation:

- **Use:** Use was listed as single-family residential, so Mr. Teegan did not request a rezoning. Annexations default to R-1 if not rezoned.
- **Sanitary Sewer Variation:** Previous owner received a variation to not connect to the Village's sanitary sewer (required for annexed properties). Change of use will require a sanitary sewer connection.
- **Annexation Fee Deferral:** Previous owner requested a deferral of a portion of the Annexation Fee (\$10,233.90 deferred), claiming financial hardship due to the single-family use. The remaining fee must be paid upon change of land use.



PRE-ANNEXATION HISTORY

Previously under Lake County's jurisdiction -
zoned **R-1 Residential**

Purpose of Lake County's R-1 District
according to their Unified Development
Ordinance:

- Accommodates low-density, large-lot residential development.
- Ensure protection of areas that develop in such a manner.
- Primarily serves those households who desire to lie in low-density estate areas and are willing to assume the costs of doing so.

Permitted uses generally include **single-family residential and related accessory uses**. It also permits (some with a Conditional Use Permit) government facilities, parks and open space, religious institutions, schools, certain agricultural uses, and minor fill sites.



SITE DETAILS

Residential structure is used as an office – no residents.

Two pre-existing metal garages to the rear of the office. Area around garages is used for storage of contractor vehicles, equipment, and material piles (mulch, etc.).

Existing concrete pad for storing material piles installed by the applicant in 2021 (retroactive permit received since then).

Future asphalt parking area for landscaping vehicles and equipment.

Existing solid wooden fence and arbor vitae around a portion of the property, with a proposal to add more of both.

Pre-annexation gravel areas are grandfathered in (Mundelein does not permit gravel areas).

- Gravel installed by Petitioner without a permit will be removed or replaced with asphalt.

SEPTEMBER
(PRE-ANNEXATION)

APRIL
(POST-ANNEXATION)



SEPTEMBER 2018
(PRE-ANNEXATION)



APRIL 2023
(POST-ANNEXATION)

Outdoor Storage Yard Use Standards

1. All outdoor storage must comply with the screening requirements of Section 20.60.150 (Screening Requirements).
2. When there is a structure affiliated with the storage yard, the structure shall be oriented toward the front of the lot and the **storage area shall be located to the rear of the lot**. The outdoor storage area should be located to the rear of the lot where possible. All structures must be located towards the front of the lot, in compliance with the front yard of the underlying zoning district.
3. Outdoor storage areas shall be **surfaced, and graded and drain all surface water**. Outdoor storage areas may be surfaced with pervious paving, if adequate drainage and erosion and dust control are provided. However, **gravel is prohibited**.
4. Any lighting used to illuminate an outdoor storage area shall be directed and shielded as to **not illuminate any adjacent residential areas**.
5. **All items stored outdoors must be related to the on-site business and its operations.**

OTHER STAFF C

Building Department

Due to the conversion of a s to a commercial use (office) there may be modifications to the building up to code for (ADA accessibility, fire alarm

Public Works and Engineer

The Petitioner must comply with Development Ordinance regarding new surfaces.

Community Development

Per the Annexation Agreement will be responsible for paying the Annexation Fee (\$10,233 connect to the Village's sanitary sewer. The Petitioner has agreed to

QUESTIONS FOR STAFF?

STANDARDS FOR GRANTING A VARIATION

- a. The strict application of the terms of this Ordinance will result in **undue hardship**.
- b. The plight of the owner is due **to unique circumstances**.
- c. The variation, if granted, will not alter the **essential character of the locality**.
- a. The particular **physical surroundings, shape or topographical conditions** of the specific property particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter were to be carried out.
- b. The alleged difficulty or hardship has **not been created by any person presently having a property** in question.
- c. The granting of the variation will **not be detrimental to the public welfare** in the neighborhood in which the property is located.
- d. The proposed variation will **not impair** an adequate supply of light and air to adjacent property, nor will it increase congestion in the public streets, increase the danger of fire, endanger the public safety or decrease the values within the neighborhood.
- e. The proposed variation is **consistent with the spirit and intent of this Ordinance** and Village laws.
- f. The **value of the property in question will be substantially reduced** if permitted to be used only for the conditions allowed by the regulations governing the district in which it is located.

FINDINGS OF FACT – VARIATION

CASE NUMBER	PZC-15-2024
PUBLIC HEARING DATE	January 15, 2025 (Continued from December 18, 2024)
VARIATION	Variation to Table 20.28-1 of Section 20.28.020 to permit an Outdoor Contractor Storage Yard and Office in the R-1 Single-Family Residential zoning district.
DRAFT MOTION	<u>Motion</u> by K. Anderson, second by K. Garache to recommend approval of a Use Variation to Table 20.28-1 of Section 20.28.020 to permit an Outdoor Contractor Storage Yard and Office in the R-1 Single-Family Residential zoning district at 760-780 S. Midlothian Road, Mundelein, Illinois.
On January 15, 2025, the Planning and Zoning Commission voted 6-0 for denial of a Use Variation to Table 20.28-1 of Section 20.28.020 to permit an Outdoor Contractor Storage Yard and Office in the R-1 Single-Family Residential zoning district at 760-780 S. Midlothian Road, Mundelein, Illinois.	
<i>No variation from the provisions of this Ordinance shall be granted unless the Zoning Administrator, Planning & Zoning Commission, and Village Board makes specific written findings based on the standards imposed by this section. These standards are as follows:</i>	
1. The strict application of the terms of this Ordinance will result in undue hardship;	
The Commission finds that the strict application of the terms of this Ordinance will not result in undue hardship as due diligence is the responsibility of the property owner when constructing structures or changing land uses.	
2. The plight of the owner is due to unique circumstances;	
The plight of the owner is not due to unique circumstances because it is zoned R-1 Single-Family Residential and was previously used for this purpose. Prior to annexation, it was zoned R-1 Residential under Lake County jurisdiction, which also does not permit commercial uses.	
3. The variation, if granted, will not alter the essential character of the locality;	
If the variation is granted, it will alter the essential character of the locality, as the proposed contractor yard use is adjacent to noncompatible uses including single-family residences, a daycare, and recreational open space.	
<i>The Zoning Administrator, Planning & Zoning Commission, and Village Board, in making its findings, may inquire into the following evidentiary issues, as well as any others deemed appropriate.</i>	
1. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship or difficulty to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out.	
The Commission finds that there is no hardship attributable to the shape, surroundings, and topographical conditions of the property.	
2. The alleged difficulty or hardship has not been created by any person presently having a proprietary interest in the property in question.	
The Commission finds that the petitioner has created this hardship, who purchased the property with the intention of operating a commercial use without contacting either Lake County or the Village of Mundelein about permitted uses on the property.	
3. The granting of the variation will not be detrimental to the public welfare in the neighborhood in which the property is located.	
The granting of the requested variation will be detrimental to the public welfare in which the property is located as it abuts nine single-family homes and a daycare, which may be unfairly impacted by noise, vehicular activity, fumes, dust, and vibrations caused by the contractor storage yard.	
4. The proposed variation will not impair an adequate supply of light and air to adjacent property, substantially increase congestion in the public streets, increase the danger of fire, endanger the public safety, or impair property values within the neighborhood.	
The Commission finds that the proposed contractor storage yard use may increase congestion due to vehicular activity and may impair property values due to noise, fumes, and other impacts.	
5. The proposed variation is consistent with the spirit and intent of this Ordinance and Village land use policies.	
The Commission finds that the proposed variation is inconsistent with the Zoning Ordinance, which assigns the R-1 Single-Family Residential zoning to this property and prescribes certain allowable uses. The Comprehensive Plan aims to preserve the character of residential areas.	
6. The value of the property in question will be substantially reduced if permitted to be used only under the conditions allowed by the regulations governing the district in which it is located.	

The value of the property in question will not be substantially reduced because it was used for single-family purposes prior to 2019.

Village Staff Overview: 1126 Magnolia Road

PZC-19-2024
January 15, 2025

1126 Magnolia Road

Petitioner: Eric Hagen – Craiger Custom Design

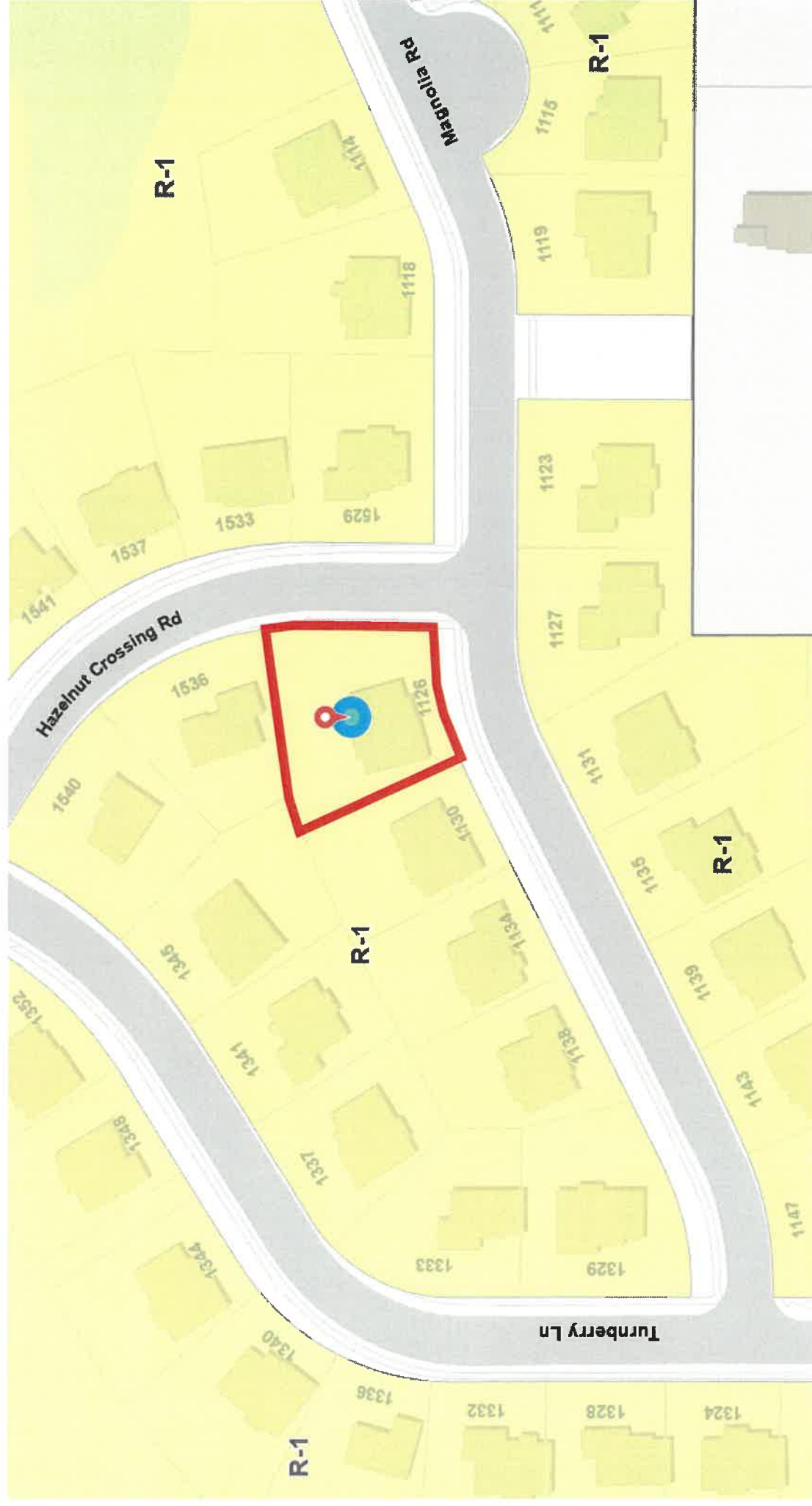
Property Owner: John Carter

Current Zoning: R-1 Single-Family Residential

Current Use: Single Family Residence - Hampton Reserve
Subdivision

Variance applications submitted to allow an accessory structure larger than the maximum allowed square footage of 144 sq.

Location Map



Background

- The Petitioner applied for a building permit this year on behalf of the property to build a 9'4" by 14'5" freestanding pergola at the Subject Property.
- The building permit for the 9'4" by 14'5" pergola was approved.
- The post hole inspection passed.
- Final inspection did not pass. The pergola measured more than the maximum allowed for accessory structures.

VILLAGE OF MUNDELEIN
DIGITALLY

RCVD 07-24-24



Building Department

300 Plaza Circle · Mundelein, IL 60060

Phone (847) 949-3283 · Fax (847) 949-4278 · building@mundelein.org

B24-07-137

PERMIT NO.

BUILDING PERMIT APPLICATION

PROJECT ADDRESS: 1126 Magnolia Rd

UNIT #:

DESCRIPTION OF WORK: 9'4" x 14'5" pergola - freestanding

NAME OF APPLICANT: Eric Hagen ADDRESS: 2510 IL Route 176, Unit D, Crystal Lake, IL 60014

PHONE: 815-479-9660

EMAIL: eric@craigercustomdesign.com

APPLICANT IS: ☐ PROPERTY OWNER ☒ CONTRACTOR ☐ ARCHITECT/ENGINEER ☐ OTHER:

NAME OF CONTRACTOR: Craiger Custom Design ADDRESS: 2510 IL Route 176,

PHONE: 815-479-9660

EMAIL: eric@craigercustomdesign.com

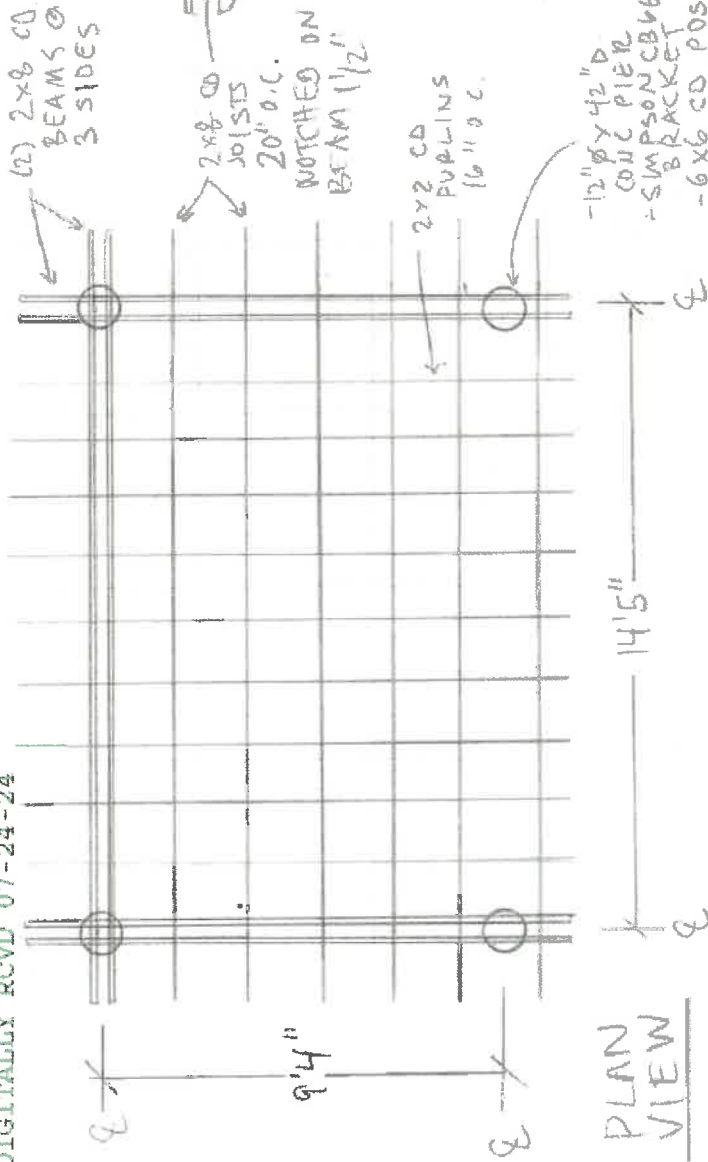
PROJECT IS: ☒ SINGLE FAMILY ☐ MULTI-FAMILY ☐ COMMERCIAL ☐ INDUSTRIAL ☐ MIXED-USE ☐ PUBLIC

CATEGORY/SQUARE FOOTAGE: ☒ NEW: 138 S.F. ☐ ADDITION: S.F. ☐ ALTERATION: S.F.

COST OF PROJECT: \$9,650.00 NUMBER OF UNITS:

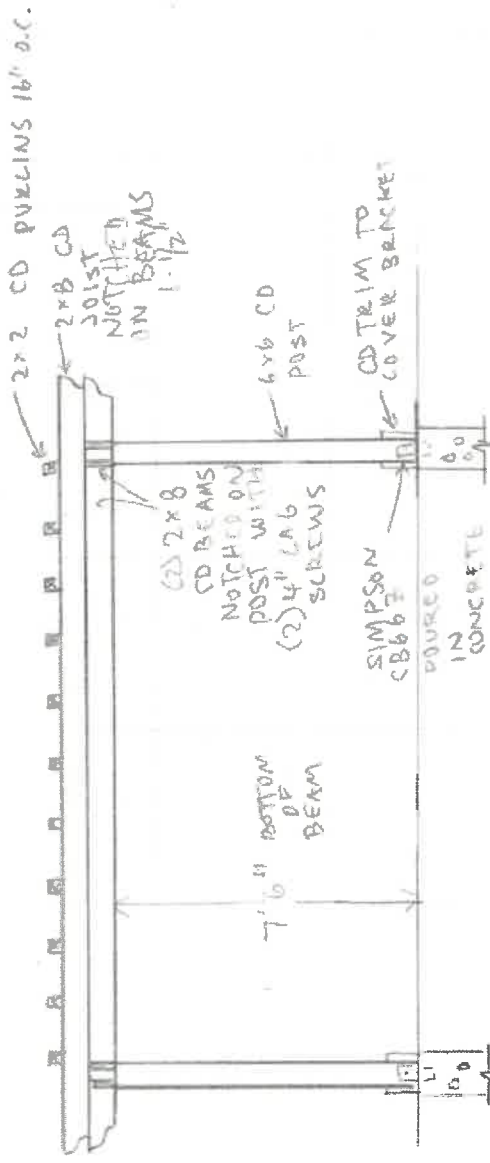
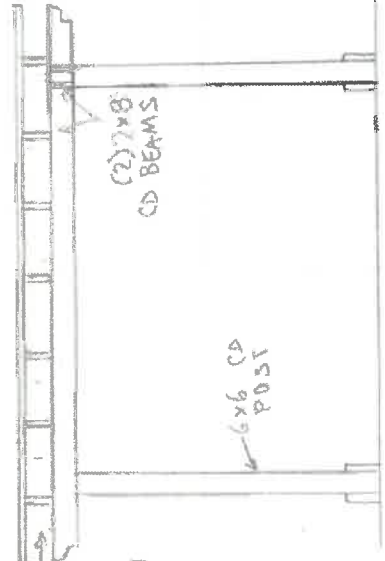
VILLAGE OF MUNDELEIN

DIGITALLY RCVD 07-24-24



PLAN VIEW

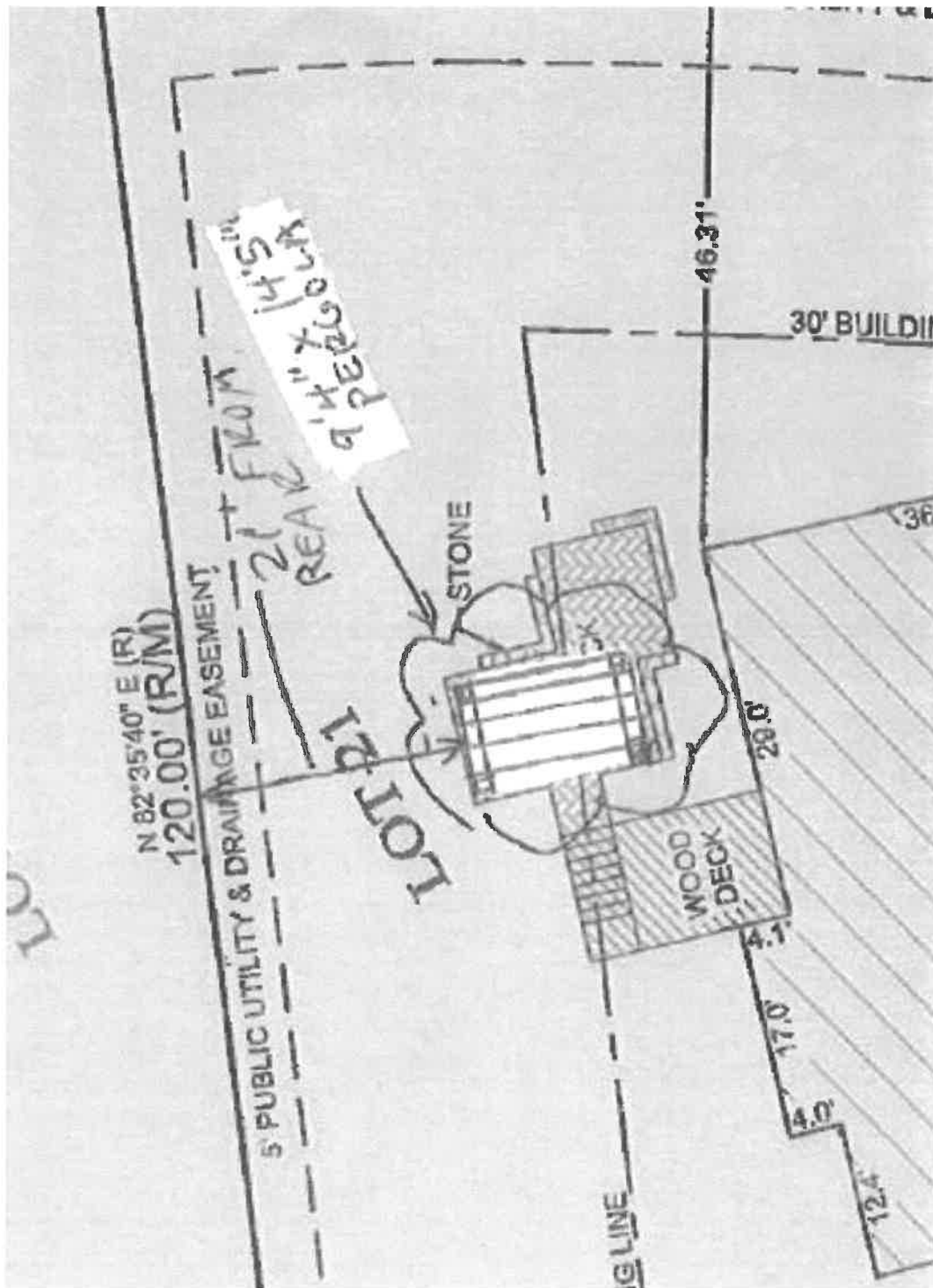
SIDE VIEW



FRONT VIEW/SECTION

CD = ROUGH SAWN
"CLEAN & BRIGH
WESTERN RED

CARTER RESIDENCE			
1126 Magnolia Rd Mundelein Illinois 60061			
DATE: 7/16/24	APPROVED BY:	DRAWN	SCALE:
REVISED:		CRAIGER CUSTOM DESIGN	DRAW
251D Route 176, Unit D, Crystal Lake IL 60014			
815-479-9660			



Variance Request

- Requesting a variation from Section 20.52.050(A)(9) to allow pergola that exceeds the maximum allowed square footage square feet, in the R-1 Single-Family Residential zoning district 1126 Magnolia Road.

~~VILLAGE OF MONDELEIN~~
~~DIGITALLY ROVT 07-24-24~~

~~VILLAGE OF MUNDLEIN
BUILDING DEPARTMENT~~

~~APPROVED AS NOTED~~

BY:

DATE: 8/17/24

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[illegible]

2017-2018

CONFIDENTIAL

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2015-10-10

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253

Q. W. 200

2015/11/3

100

OUR STAMP ON THIS
DOES NOT RELIEVE THE
BUILDER FROM COMPLIANCE
WITH VILLAGE OF MOUNTAIN
BUILDING AND ZONING
ORDINANCE REQUIREMENTS
AND APPLICABLE CODES.

CD = ROUGH SAWN
CLEAN
WESTERN RED

CARTER RESIDENCE

1126 Magnolia Rd Mundelein Illinois 60060

DATE: 7/16/24	APPROVED BY:	DRAWN BY:
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REVISION: 01/24/2014 SCALE: 1/4"

DRAWING

CRAIGER CUSTOM DESIGN

110 Route 175, Little O, Crystal Lake IL 60014

815-473-9660







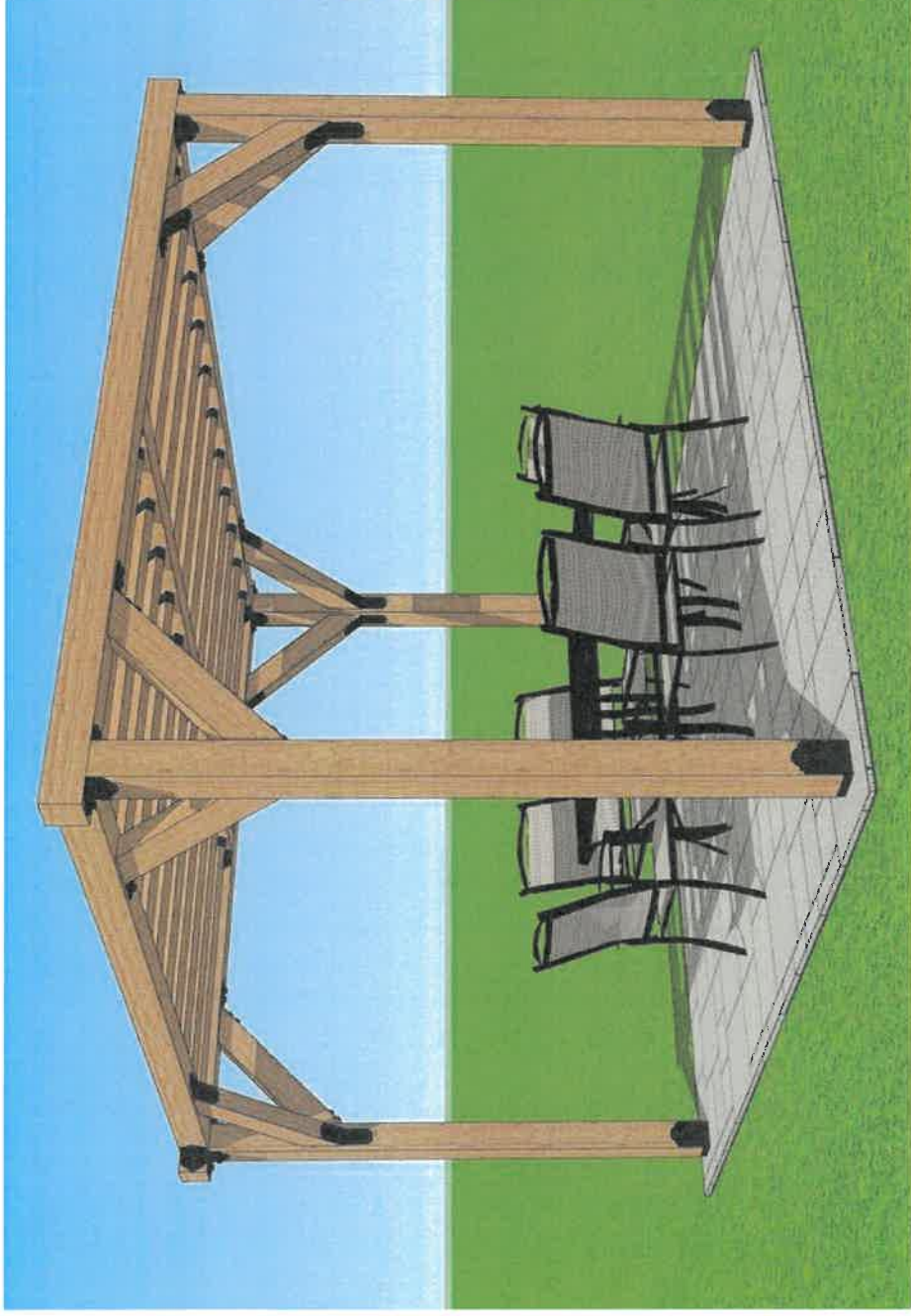
Analysis

- The Petitioner did not demonstrate a hardship or unique circumstance specific to the subject property.
- Petitioner was following the request of the property owner to build a pergola that fits the square footage of the patio.
- Nearby lots do not show large accessory structures in the rear yard.

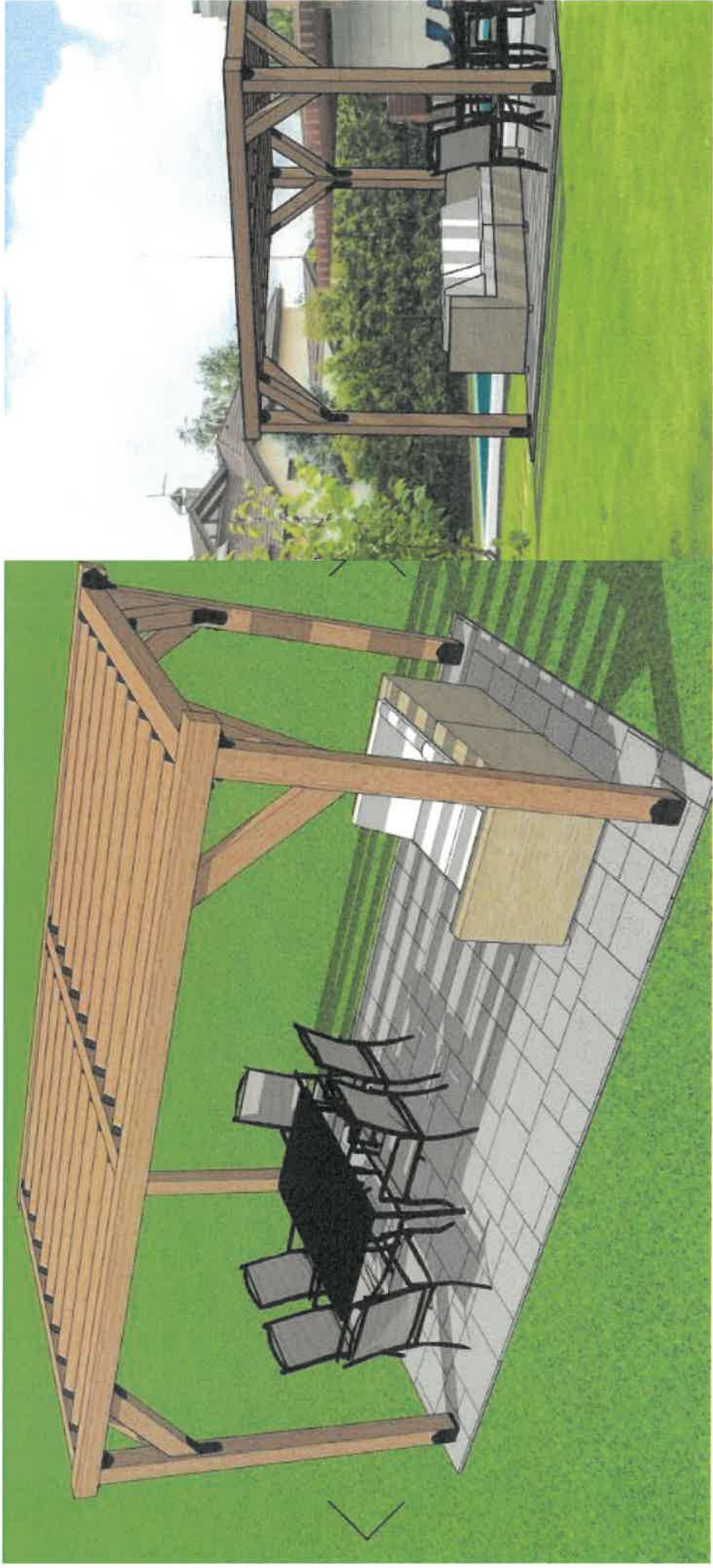


Analysis

- The Village has placed a maximum square footage on all accessory structures for several reasons:
 - Maintain the character of neighborhood
 - Prevent from altering the aesthetic appeal of a neighborhood
 - Maintain visual harmony
 - Prevent overbuilding
 - Prevent overcrowding lots
 - Manage stormwater and reduce the risk of flooding or erosion

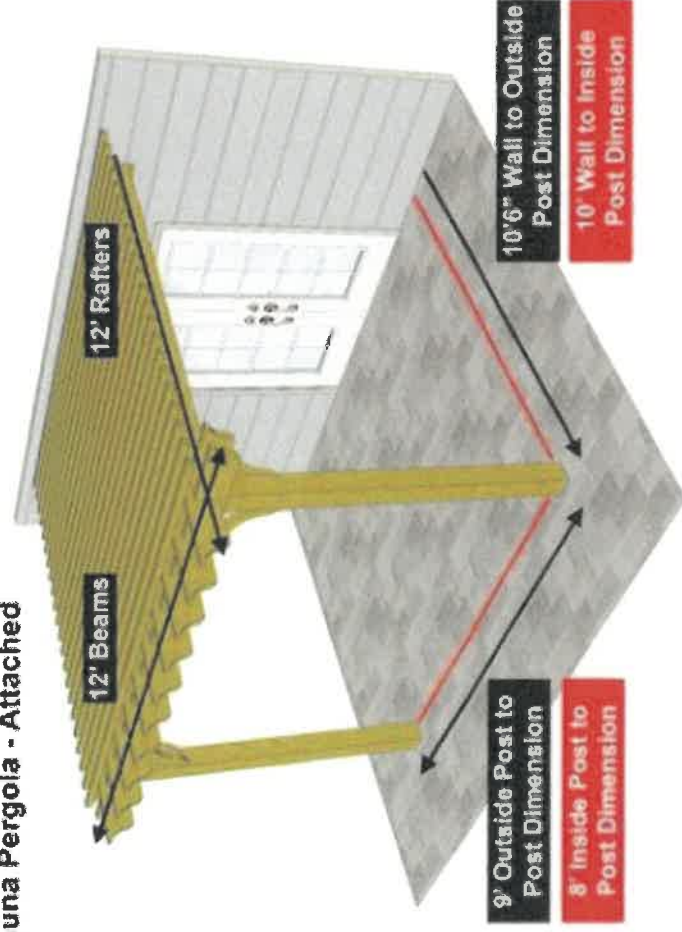


Source: APEX Pergola Design (12x12)



Source: APEX Pergola Design (10x16)

12'x12' Big Kahuna Pergola - Attached



Source: Pergola Depot (12x12)



Source: Sunset Pergola Kits



Source: Lancaster County Backyard

Recommendation

As administrators of the Zoning Ordinance, we must analyze cases under the same standards.

Staff is not in favor of the variation request due to the Petitioner not being able to demonstrate a zoning hardship or uniqueness circumstance on the Subject Property.

FINDINGS OF FACT – VARIATION

CASE NUMBER	PZC-19-2024
PUBLIC HEARING DATE	January 15, 2024
VARIATION	Variation from Section 20.52.050(A)(9) regarding an accessory structure over the maximum square footage
MOTION	Motion by J. Holden, second by S. Schneckloth to recommend approval of a variation from Section 20.52.050(A)(9) to allow an accessory structure (pergola) larger than the maximum allowed square footage of 144 square feet in the R-1 Single-Family Residential zoning district at 1126 Magnolia Road.
On January 15, 2024, the Planning and Zoning Commission voted 6-0 for approval of a variation from Section 20.52.050(A)(9) to allow an accessory structure larger than the maximum allowed square footage of 144 square feet in the R-1 Single-Family Residential zoning district at 1126 Magnolia Road.	
<i>No variation from the provisions of this Ordinance shall be granted unless the Zoning Administrator, Planning & Zoning Commission, and Village Board makes specific written findings based on the standards imposed by this section. These standards are as follows:</i>	
1. The strict application of the terms of this Ordinance will result in undue hardship;	
The strict application of the terms of this Ordinance would result in undue hardship for the Petitioner, as the brick patio existed when the Property Owners purchased the house. Additionally, a smaller pergola would block access to the house and require cutting holes in the brick.	
2. The plight of the owner is due to unique circumstances;	
The property is subject to unique circumstances because it is larger than most properties in the Village and, as a corner lot, has larger setbacks.	
3. The variation, if granted, will not alter the essential character of the locality;	
The variation will not alter the essential character of the locality, as the increase in the pergola's square footage is negligible. It will be built over the existing patio and will not increase the impervious surface. Due to the large setbacks, the pergola will not be significantly visible from the street. Additionally, the Village has not received any complaints.	
<i>The Zoning Administrator, Planning & Zoning Commission, and Village Board, in making its findings, may inquire into the following evidentiary issues, as well as any others deemed appropriate.</i>	
1. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship or difficulty to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out.	
The Commission finds that there is hardship attributable to the shape, surroundings, and topographical conditions of the property.	
2. The alleged difficulty or hardship has not been created by any person presently having a proprietary interest in the property in question.	
The Commission finds that the petitioner successfully demonstrated the requested variation was not created by any person currently having a proprietary interest in the Subject Property, as the brick patio pre-existed the Property Owner's purchase of the property.	
3. The granting of the variation will not be detrimental to the public welfare in the neighborhood in which the property is located.	
The Commission finds, after considering the public commentary and testimony during the hearing, that granting the requested variation will not be detrimental to the public welfare of the area. The pergola is also supported by the neighbors.	
4. The proposed variation will not impair an adequate supply of light and air to adjacent property, substantially increase congestion in the public streets, increase the danger of fire, endanger the public safety, or impair property values within the neighborhood.	
The proposed variation will not impair an adequate supply of light and air to adjacent property, substantially increase congestion in the public streets, increase the danger of fire, endanger the public safety, or impair property values within the neighborhood.	
5. The proposed variation is consistent with the spirit and intent of this Ordinance and Village land use policies.	
The Commission finds that the proposed variation is consistent with the spirit and intent of this Ordinance and the Village's land use policies, as it preserves and beautifies the single-family residential neighborhood.	

6. The value of the property in question will be substantially reduced if permitted to be used only under the conditions allowed by the regulations governing the district in which it is located.

The value of the property will not be substantially reduced if used only under the conditions allowed by the regulations governing its district. Similarly, the value will not be substantially reduced if the proposed variation is approved.



Village Staff Overview

PZC-20-2024

1464 S. Butterfield Road - January 15, 2025

Location Map: 1464 S. Butterfield Road



Aerial



Background

- The building at 1464 S. Butterfield Road was constructed in 1987 (outlined in red).
- Multi-tenant building:
 - Salon Centric, Hairtopia, Osaka Sushi, K.A.S.H. Insurance, Heartland Meditation, Golden Kitchen, Lotus Nail Spa, Yes Class, Awesome Tan, The Philly Special, and Subway.



Planning and Zoning History

Buildings and
Land Use
Approved

Substituted Midas
Muffler Company
Service Center with
Merlin Muffler Company
Service Center.

July 1986	October 1986	September 1987	September 2018
Ordinance No. 86-7-29	Amended Ordinance No. 86-7-29 and approved Ordinance No. 86-10-35	Amended Ordinance No. 86-7-29 and 86-10- 35 and approved Ordinance No. 87-9-29	Amending Ordinance No. 86-7-29, Ordinance No. 86-10-35, and Ordinance No. 87-9-29.

Substituted Firestone
Tire and Service
Center with Midas
Muffler Company
Service Center.

Substituted Merlin
Muffler Company
Service Center with
Motus Incorporated.

Motus Auto Repair

Petitioner: Luis Leon (Lessee)

- Motus is categorized as Motor Vehicle Service and Repair, Minor

Motor Vehicle Services and Repair Minor Includes:

- Repair or replacement of cooling, electrical, fuel and exhaust systems, brake adjustments, relining and repairs, wheel servicing, alignment and balancing, repair and replacement of shock absorbers, and replacement or adjustment of mufflers and tail pipes, hoses, belts, light bulbs, fuses, windshield wipers/wiper blades, grease retainers, wheel bearings, and the like.
- Additionally, Motus and previous businesses repair engines. Engine repair is not normally permitted for "Minor" auto repair businesses, but it was allowed through the 1986 ordinance and carried over to future tenants.



Variation Request

- A variation from Section 20.48.040(AA) increasing the maximum vehicles can be stored outdoors from 72 hours to 21 days.

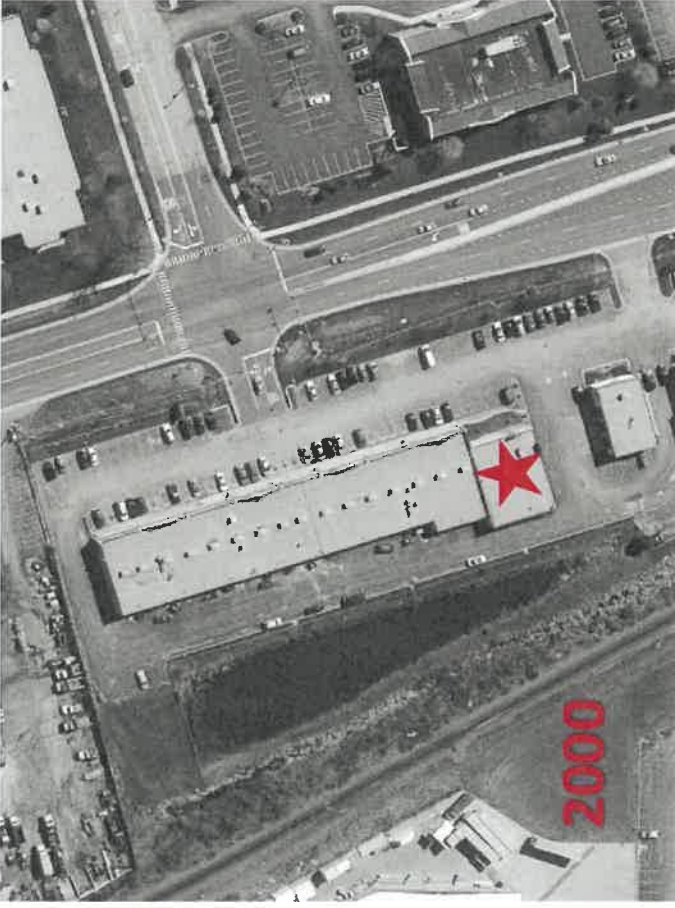
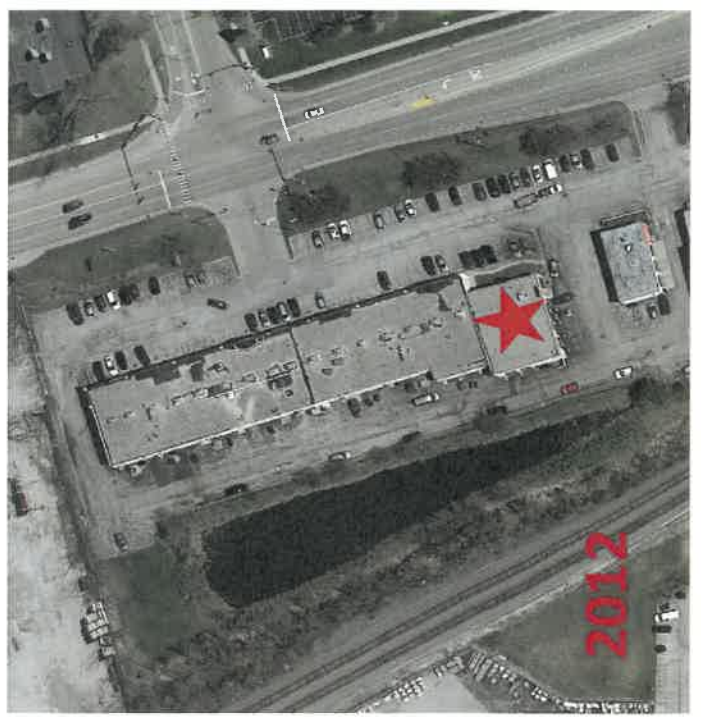
Zoning Ordinance Section 20.48.040(AA)

Long-term on-site storage of vehicles is **not permitted**.

- **Minor motor vehicle service and repair shops and motor vehicle aftermarket enhancement establishments may not store the same vehicles outdoors on the site for longer than seventy-two hours.**

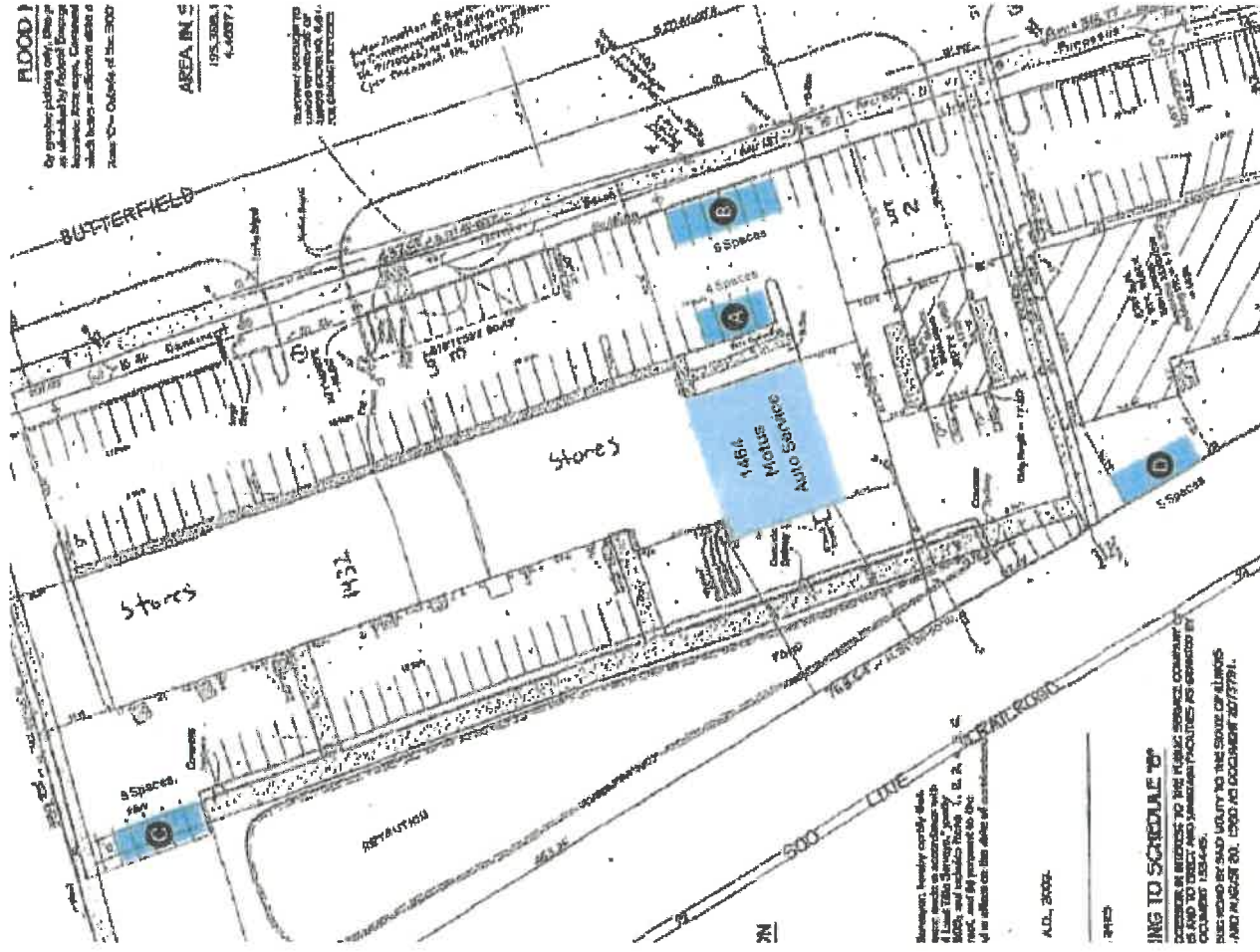
Use Standards

1. Minor motor vehicle service and repair shops and motor vehicle aftermarket enhancement establishments may not store the same vehicles outdoors on the site for longer than seventy days. Major motor vehicle service and repair shops may not store the same vehicles outdoors on the site for longer than fifteen days. No required off-street parking may be used for vehicle storage.
2. All driveways must be located and designed to ensure that they will not adversely affect the efficiency of traffic circulation on adjoining streets.
3. All operations must be fully enclosed. Only vehicles being serviced at the establishment may be stored outdoors. Wrecked or junked vehicles may not be stored on-site. Where the property abuts residential use, the facility must install an opaque fence at least six feet high on the property to buffer the residential use.
4. Minor motor vehicle service and repair shops may also include gas stations as an accessory use that are part of such an establishment must comply with the regulations of this title.
5. The sale of used or new automobiles is not permitted.
6. No motor vehicles may be stored and no repair work may be conducted in the public right-of-way.
7. All equipment and parts must be stored indoors.





Proposed Long Term Parking Stall Location



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Proposed Parking Sections – Parking Lot Street Side



Proposed Parking
Next to building
Four Parking Spots



Proposed Parking Sections – Parking Lot Street Sid



**Proposed Parking
Facing Butterfield
Six Parking Spots**



Proposed Parking Sections – Parking Lot Rear Side of Building



Proposed Parking

- Northwest Corner
- railroad track
- Five Parking Spaces



Proposed Parking Sections – Parking Lot Rear Side of Building



Proposed Parking

- Southwest Corner of railroad track
- Five Parking Spaces

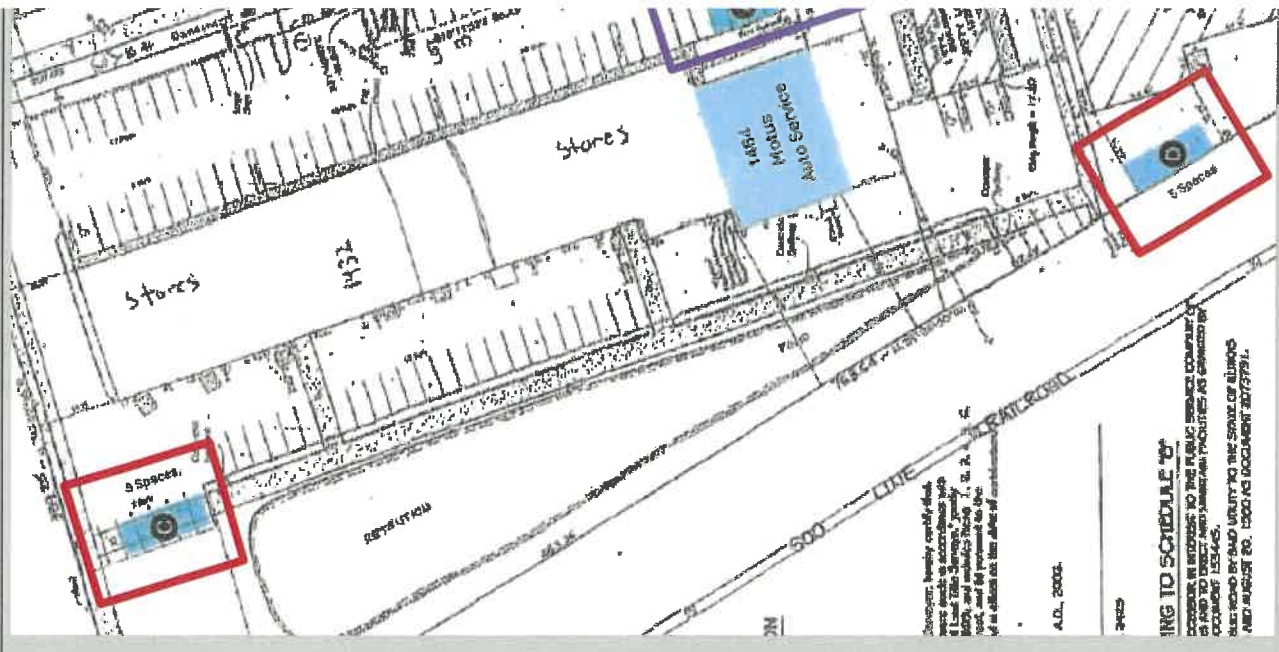


Comprehensive Plan

- The Comprehensive Plan identifies the subject property as remaining the use, Auto-Oriented Small to Mid-Size Retail, in the future. The Comprehensive Plan aims to capitalize on Mundelein's growing workforce to elevate development.

Analysis: Parking

- Staff recommends the PZC discuss the number of parking spaces used for different purposes so there is enough parking spaces to accommodate short term and long term parking.
- Staff recommends parking long-term vehicles behind the building in locations C and D (outlined in red), rather than in front of the building. Staff recommends short-term (72 hours) outdoor storage to be permitted in front of the building (outlined in purple). **The PZC should consider the number of spaces the petitioner needs to provide sufficient long-term storage for their business.**



Standards for Granting a Variance

No variation from the provisions of this Ordinance shall be granted unless the Zoning Administrator, Planning Commission and Village Board makes specific written findings based on the standards imposed by this section. The standards are as follows:

- a. The strict application of the terms of this Ordinance will result in undue hardship.
- b. The plight of the owner is due to unique circumstances.
- c. The variation, if granted, will not alter the essential character of the locality.

The Zoning Administrator, Planning and Zoning Commission and Village Board, in making its findings, may include the following evidentiary issues, as well as any others deemed appropriate:

- a. The particular physical surroundings, shape or topographical conditions of the specific property impede the owner's use of the property, or the particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out.
- b. The alleged difficulty or hardship has not been created by any person presently having a proprietary interest in the property in question.
- c. The granting of the variation will not be detrimental to the public welfare in the neighborhood in which the property is located.
- d. The proposed variation will not impair an adequate supply of light and air to adjacent property, substantially increase congestion in the public streets, increase the danger of fire, endanger the public safety or irreparably reduce property values within the neighborhood.
- e. The proposed variation is consistent with the spirit and intent of this Ordinance and Village land use regulations.
- f. The value of the property in question will be substantially reduced if permitted to be used only under conditions allowed by the regulations governing the district in which it is located.

Name of Business	Use	Parking Requirement	SF of the Building	# of Parking Spaces Required
Subway	Restaurant	1 per 100 SF of Public Seating	1,462 (1,462/2 = 731)	*8 Spaces
The Philly Special	Restaurant	1 per 100 SF of Public Seating	2,762 (2,762/2 = 1,381)	*14 Spaces
Edible Arrangements	Retail	3 per 1,000 GFA	1,462	6 Spaces
Awesome Tan	Personal Services Establishment	3 per 1,000 GFA	1,462	6 Spaces
Vacant (Estimated)	Former Dentist (Medical)	1.5 per exam room + 1 per doctor	2,924 Estimated 3 exam rooms and 3 doctors	**7.5 Spaces
Pet Parlor	Pet "Day Care" Services	2 Per 1,000 GFA	1,462	4 Spaces
Yes Class	Personal Services Establishment	3 per 1,000 GFA	1,462	6 Spaces
Lotus Spa Nail Salon	Personal Services Establishment	3 per 1,000 GFA	1,462	6 Spaces
Golden Kitchen	Restaurant	1 per 100 SF of Public Seating	1,462 (1,462/2 = 731)	*8 Spaces
Heartland Meditation	Personal Services Establishment	3 per 1,000 GFA	1,462	6 Spaces
K.A.S.H Insurance	Office	3 per 1,000 GFA	1,462	6 Spaces
Osaka Sushi	Restaurant	1 per 100 SF of Public Seating	1,462 (1,462/2 = 731)	*8 Spaces
Haitopia	Personal Services Establishment	3 per 1,000 GFA	1,462	6 Spaces
Salon Centric	Personal Services Establishment	3 per 1,000 GFA	1,462	6 Spaces
Motus Auto Repair	Motor Vehicle Service and Repair, Major	2 Per Bay + 2 per 1,000 GFA + 1 per loaner car	3,750 + 4 bays and 4 loaner cards	20 Spaces
Jiffy Lube	Motor Vehicle Service and Repair, Minor	2 Per Bay + 2 per 1,000 GFA	2,000 and 3 bays	8 Spaces
Vacant	Former American Mattress (Retail)	3 per 1,000 GFA	9,685	30 Spaces
Total Parking Spaces Required				156 (155.5)
Total Parking Spaces Currently Existing				134

* Please note that these parking calculations are estimates, and the actual parking requirements may differ. Staff assumes that for restaurant units, half of the space is used for restaurant operations and the other half is used for public seating. More information would be needed to be provided by property owner for an exact calculation.

** Please note that due to the storefront being vacant, we cannot accurately determine the number of exam rooms or doctors at this business.

FINDINGS OF FACT – VARIATION

CASE NUMBER	PZC-20-2024
PUBLIC HEARING DATE	January 15, 2025
VARIATION	A variation from Section 20.48.040(AA) increasing the maximum time vehicles can be stored on-site from 72 hours to 15 days.
DRAFT MOTION	Motion by S. Schneckloth, second by J. Holden to approve the Findings of Fact as published for PZC-20-2024 relating to a variation to Section 20.48.040(AA), increasing the maximum time vehicles can be stored on-site from 72 hours to 15 days.

On January 15, 2025, the Planning and Zoning Commission voted 6 - 0 for **approval** of a variation to Section 20.48.040(AA) increasing the maximum time vehicles can be stored on-site from 72 hours to 15 days.

No variation from the provisions of this Ordinance shall be granted unless the Zoning Administrator, Planning & Zoning Commission, and Village Board makes specific written findings based on the standards imposed by this section. These standards are as follows:

1. The strict application of the terms of this Ordinance will result in undue hardship;

The strict application of the Zoning Ordinance would create an undue hardship for the petitioner because the building was built in 1987 and would not have anticipated that the 2012 Zoning Ordinance would later introduce time limits for on-site vehicle storage for the "Motor Vehicle Service and Repair, Minor" use. If the regulation was in place in 1987, they may have incorporated more indoor vehicle storage space.

2. The plight of the owner is due to unique circumstances;

The owner's plight is due to unique circumstances as the business use was permitted by a special use ordinance approved in 1986, which also allowed engine repair services which is categorized under "Motor Vehicle Service and Repair, Major" use.

3. The variation, if granted, will not alter the essential character of the locality;

The variation will not alter the essential character of the locality because the land use and parking practices have existed since 1987. Because the property has operated this way for decades, neighboring businesses may not notice any difference if vehicles are stored for 15 days. The Planning and Zoning Commission added a condition to the variation request that the front parking lot may only be used for 72-hour vehicle storage, which limits the visual impact from the public right of way.

The Zoning Administrator, Planning & Zoning Commission, and Village Board, in making its findings, may inquire into the following evidentiary issues, as well as any others deemed appropriate.

1. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship or difficulty to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out.

The Commission finds that there is hardship attributable to the shape, surroundings, and topographical conditions of the property because the building was constructed in 1987 before the adoption of the 2012 Zoning Ordinance, so the builder would not have anticipated future regulations concerning outdoor vehicle storage.

2. The alleged difficulty or hardship has not been created by any person presently having a proprietary interest in the property in question.

The Commission finds that the petitioner has not created this hardship because the building was built in 1987, and similar uses have previously occupied this space since then.

3. The granting of the variation will not be detrimental to the public welfare in the neighborhood in which the property is located.

The Commission finds that the granting of the requested variation will not be detrimental to the public welfare in which the property is located because the operations of the business have been similar to how the property was operated since 1987.

4. The proposed variation will not impair an adequate supply of light and air to adjacent property, substantially increase congestion in the public streets, increase the danger of fire, endanger the public safety, or impair property values within the neighborhood.

The proposed variation will not impair an adequate supply of light and air to adjacent property, substantially increase congestion in the public streets, increase the danger of fire, endanger the public safety, or impair property values within the neighborhood.

5. The proposed variation is consistent with the spirit and intent of this Ordinance and Village land use policies.

The Commission finds that the proposed variation is consistent with the spirit and intent of this Ordinance and Village land use policies.

6. The value of the property in question will be substantially reduced if permitted to be used only under the conditions allowed by the regulations governing the district in which it is located.

The value of the property in question could be reduced if permitted to be used only under the conditions allowed by the regulations governing the district in which it is located. The 72-hour maximum on-site storage of vehicles could hinder the business operation by limiting the services offered and number of vehicles that can be serviced.