

AGENDA

PLANNING AND ZONING COMMISSION MEETING

January 15, 2025 - 7:00 PM
Village Hall - Board Room
300 Plaza Circle, Mundelein, IL 60060

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE

III. ATTENDANCE

IV. MINUTES APPROVAL

- A. Approve the Planning and Zoning Commission Regular meeting minutes from December 18, 2024

V. PUBLIC COMMENTARY

VI. OLD BUSINESS

- A. 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

Motion to recommend **Approval/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.

VII. NEW BUSINESS

- A. PUBLIC HEARING - PZC-19-2024 - 1126 Magnolia Road - Variation - Size of Accessory Structure
- B. PUBLIC HEARING - PZC-20-2024 - 1464 S Butterfield Road - Variation - Motor Vehicle Service and Repair (Minor) Use Standards

VIII. QUESTIONS AND COMMENTS

IX. ADJOURNMENT

The Village of Mundelein, in compliance with the Americans with Disabilities Act, requests that persons with disabilities who require certain accommodations to allow them to observe and/or participate in this meeting, or who have questions about the accessibility of the meeting or facilities, to contact the ADA Coordinator at 847-949-3200 to allow the Village to arrange accommodations for those persons.

CALL TO ORDER

The Regular Meeting of the Planning and Zoning Commission of the Village of Mundelein was held on December 18, 2024 at 300 Plaza Circle, Mundelein. Chairman T. Roswick called the meeting to order at 7:00 PM.

PLEDGE OF ALLEGIANCE

Chairman T. Roswick led the Pledge of Allegiance.

ATTENDANCE

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

Board Attendance

PRESENT: Chairman T. Roswick, K. Anderson, S. Petti, S. Schneckloth

ABSENT: K. Garesche, J. Holden, K. Teehan

Village Attendance

PRESENT: C. Malec, Senior Planner, I. Guadarrama, Senior Planner, E. Swanson, Recording Secretary

MINUTES APPROVAL

Approve the Planning and Zoning Commission Regular meeting minutes from November 6, 2024

Motion to Approve the Planning and Zoning Commission Meeting Minutes of November 6, 2024.

RESULT:	Passed [Yes 4, No 0, Abstained 0]
MOVER:	S. Petti
SECONDER:	K. Anderson
AYES:	Chairman T. Roswick, K. Anderson, S. Petti, S. Schneckloth
NAYS:	None
ABSTAIN:	None

PUBLIC COMMENTARY

Chairman T. Roswick opened the floor to public commentary.

There was no public commentary.

OLD BUSINESS

No Old Business

NEW BUSINESS

PUBLIC HEARING - PZC-15-2024 – 760-780 S. Midlothian Road - Outdoor Contractor Storage Yard

Motion to Open Public Hearing PZC-15-2024 - 760-780 S Midlothian Road - Outdoor Contractor Storage Yard

RESULT:	Passed [Yes 4, No 0, Abstained 0]
MOVER:	S. Schneckloth
SECONDER:	S. Petti
AYES:	Chairman T. Roswick, K. Anderson, S. Petti, S. Schneckloth
NAYS:	None
ABSTAIN:	None

Chairman T. Roswick shared that this item will be continued to the next Planning and Zoning Commission meeting, but today there will be a brief project overview as well as an opportunity for public commentary on this item.

C. Malec gave a brief explanation of the petitioner's request for a continuance due to only 4 out of 7 commissioners being able to attend the meeting. C. Malec gave a brief overview on the history of the property. The property was annexed into the Village in 2019, and by default was zoned as R-1 residential single family. The current owner purchased the property shortly thereafter, and has been using the property as an outdoor contractor storage yard. The house is used as an office and the owner runs a landscaping business out of the location. The property owner is requesting to continue to use the property for outdoor contractor storage as-is, and there is no request to expand at this time. Any expansion or change in intensity would require the property owner to come back to apply for new zoning permission. There will be a presentation of the full project on the next meeting date of January 15, 2025. The petitioner will give a presentation and answer any questions at that time.

K. Anderson inquired as to why the Village is requesting a variation to permitted uses on a residential property instead of rezoning the parcel for commercial use. C. Malec clarified that the only zoning that allows an outdoor storage yard would be an industrial zoning district. Currently no other parcels surrounding the property are zoned industrial. The Village attempts to avoid spot zoning whenever possible. This also allows more control on future uses. If kept as a variation - it would only apply to

this specific use by this specific owner and would not be transferrable, whereas if the property was rezoned as industrial it would allow the future development of any industrial use upon sale of the property.

S. Schneckloth asked if there would be any limitations preventing expanding into the open field in the back of the property. C. Malec stated that this could be a condition that could be built into the approval.

Chairman T. Roswick requested clarification that this variation request would only run with the owner and not with the land - so any transfer of property would not allow the use moving forward. Staff replied that ordinances are typically written this way unless there is a specific request for the approval to run with the land.

S. Petti clarified that the business has been run for several years. He inquired if we have received any history of complaints on the property. C. Malec stated that we had not received a list from code enforcement, but Staff would research further for the next meeting.

S. Schneckloth asked for clarification on whether the business was landscaping or construction. After C. Malec confirmed it was a landscaping business, Ms. Schneckloth inquired as to if there would be a list of materials that they would be allowed on site, or if there would be a limitation on trucks allowed to prevent overburdening the land. C. Malec stated that under our zoning code that there are no restrictions specifying these things - but that can be a condition that the Commission recommends to the Board.

Chairman T. Roswick asked if there were any comments the petitioner would like to address before opening the floor to public commentary. A representative for the petitioner stated they had nothing at this time, but plan to have a presentation for the January 15, 2025 continuation that would include addressing the concerns presented.

Chairman T. Roswick opened the floor to public commentary. Mr. Roswick swore in all members of the public in attendance.

Karen Rainish of 693 Wortham Drive approached the podium and stated that she did not receive a letter about the hearing, but received one from a neighbor. (Upon research, staff found that the address was outside of the 250 foot radius of the property that is required to notify for public hearings.) Ms. Rainish has a concern about the rear of the property being historically wet and is interested to know if the Lake County Stormwater Management Commission (SMC) has been contacted to weigh in on the concerns of the proposed use of the property. C. Malec stated that any work done in the village is required to conform to the Lake County SMC's requirements. The Village Engineer reviews all permits to ensure that all permits meet the Lake County SMC's requirements. If the proposed use passes, the petitioner would be required to

submit for permits for both past and future projects that would be reviewed by the Village

Engineer to ensure it meets requirements for stormwater management. C. Malec clarified that the annexation documents do not mention stormwater or stormwater improvements (which is typical unless there is a known issue or construction is proposed).

Alicia Valestin of 677 Wortham Drive is concerned about the proximity to residences, property values, and discussed her history in the neighborhood. She shares concerns about stormwater as well as a concern on the health of the pond in regards to possible runoff from materials being stored on the property. Her kids fish in the pond and they enjoy the wildlife present. Ms. Valestin also has concerns on the number of vehicles, noise concerns, pets getting loose, and company parties. She is concerned about background checks for employees of the business due to the close proximity of children in the neighborhood, as well as the safety of kids walking to nearby businesses with truck traffic.

Claudio Diaconeasa of 681 Waverly Drive stated that he was not aware that the use was not allowed when he moved into the home in 2019. His house backs up to the property and there is no buffer. The vehicles are large commercial vehicles. His concern is the expansion of the business into the rest of the property. Mr. Diaconeasa assembled a petition of neighbors that are against the proposed use. He also expressed concern with large company parties that the landowner hosts with a stage and music, and the potential for those to expand. He can smell diesel fuel, especially when they are mulching and cutting wood. He plans to move if the business is approved.

Ryan Ricci of 689 Waverly Place shared that he has been at his property for 12 years, and was living there before the business was established. He backs up directly to where the main work occurs. The company started small but has been slowly expanding over time, and understands why it wouldn't be noticed. Noise is a daily issue on the property, and has had his fence damaged by vehicles (neither he nor the applicant addressed this). Trucks are parked within 2' of his fence. He's concerned about the business being allowed without limitations, as the use standards don't have specific limits on number of vehicles, types of storage, etc. for industrial properties. He believes property values have gone down and does not feel that the surroundings warrant approval.

Tomas Solnicky of 677 Waverly Drive stated that he is a contractor and has experience with landscaping contractors. He has concerns with daily fumes, mulching and material storage. He also has concerns with the daycare located on the other side of the lot (Kindercare). The vehicles on the property are commercial bobcats that are not normally allowed on residential properties. S. Petti asked Mr. Solnicky if he was under

the impression that this property was zoned commercial or if he was aware that this was residentially zoned.

Mr. Ricci stated that he was never under the impression that this property was commercial. He states that the previous owner never did anything commercial and had one single truck on the property. Slowly over the years the business has expanded. Mr. Ricci inquired as to what the next steps would be if the application is denied. C. Malec stated that the property is zoned single family residential, and only the single-family residential use would be permitted. If the petitioner is unsuccessful in getting the variation, then all commercial work must stop and it must adhere to all regulations regarding commercial vehicles stored on the property.

Chairman T. Roswick asked C. Malec what would happen to the day to day operations. C. Malec responded that it would be the Code Enforcement Officer's role to take over. She would follow the same process of any property that has violations. There is an escalating system of hearings and fines until the property is in compliance.

C. Malec did clarify that there is a home occupation section of the code where someone can operate a home business. However, the primary use of the property is required to be residential, no employees are allowed, no outdoor operations, and no noise or trash is allowed in excess of any standard single family use. C. Malec also clarified that according to the Petitioner stated in their application that there will be no residential use of the home – no one lives there (therefore the home occupation standards do not apply).

S. Schneckloth inquired as to whether any fines have been issued or where this property is in the code enforcement process. C. Malec stated that this zoning hearing application is part of the code enforcement process. The petitioner opted to apply for zoning relief process in lieu of ceasing business activity on the property. The code enforcement process is on pause to wait for the result of the hearing before escalating to any fines or citations. C. Malec stated that she will be providing more robust information on the code enforcement history and process at the January 15, 2025 continuation meeting.

S. Schneckloth also asked what year the property annexed and when it was sold to the new owner. C. Malec stated that it annexed in 2019 and to our knowledge the property was purchased shortly thereafter, but we do not have a record of the specific date of sale.

Mr. Ricci asked if the petitioner was under the impression that this property was zoned for commercial use. C. Malec stated that that question would need to be directed to the petitioner at the January 15, 2025 continuation meeting. Mr. Ricci shared concern

about safety and said it should have been the responsibility of the business owner to check that the zoning of the property was not residential when going through the purchase process.

Chairman T. Roswick clarified that when an individual or business purchases a property for commercial use, it is up to them to do their due diligence to ensure that the business is allowable. The burden of responsibility falls upon the purchaser. Mr. Roswick also clarified that the petitioner has a right to due process of the request, and public opinion is one item taken into consideration during the process.

K. Anderson asked whether the property fell under the jurisdiction of Lake County before annexation. C. Malec confirmed. K. Anderson then noted that Lake County would have had different

zoning regulations, and this would likely be the reason for the two outbuildings to be built close to the property lines. C. Malec stated that we do not have much background about what received permits prior to annexation of the property. C. Malec stated any outbuildings at the time of annexation would now be considered legal non-conforming.

Chairman T. Roswick clarified that regardless of prior Lake County zoning, this property was annexed in as R-1 Single Family Residential. C. Malec confirmed that it was and added that R-1 zoning is the default to all properties being annexed into the Village. If there is another intended use of the property not permitted in R-1, it would be the responsibility of the property owner to apply for rezoning.

S. Schneckloth asked if there was any indication that the property had other intended uses at the time of annexation. C. Malec confirmed that there were multiple written letters and applications stating that the use of this property was a single-family home.

Ms. Valestin stated that the property had a history of being a single-family residence despite having two garages on the property. The petitioner is using the property to run a commercial business and is profiting and expanding their business knowing that it is residential. They are continuing to bring more materials and use commercial vehicles despite now knowing the zoning is residential and the use is not allowed.

Mr. Ricci asked how they can submit documentation to share the scale of the building. C. Malec said all items such as pictures, videos, sound recordings, or any other documentation can be sent to either info@mundelein.org or planning@mundelein.org. The hearing will remain open so any new documentation can still be submitted until the public hearing is closed.

Bianca Diaconeasa of 681 Waverly Drive asked the commission what the next steps of the process are and if the public will be allowed to speak again. C. Malec stated that the

meeting will be continued to January 15th, 2025 at 7:00 PM at the Mundelein Village Hall. There will be a staff presentation, the petitioner will have an opportunity to present and answer questions, and after that there will be another public commentary opportunity. The PZC will then make a recommendation to the Village Board, and the Village Board will have the final say on whether or not the application is approved. The Village Board meeting also has a public commentary portion at the beginning of the meeting.

Chairman T. Roswick thanked the members of the public for coming out and speaking on this matter.

Mr. Ricci asked how the public would find out if the date changes again. C. Malec stated that in the event of another continuation, the next meeting of January 15, 2025 will still be held and a new date will be stated at that meeting. The public is also welcome to call or email the Village of Mundelein's Community Development department for questions or updates. Chairman T. Roswick stated that the website is also kept up to date with agendas so the public is welcome to review all agendas and minutes to review cases to be scheduled.

Ms. Valestin stated that there were many unanswered questions on this case. She asked if the due diligence of answering these questions would fall on the applicant. C. Malec stated that it is typically the burden of the applicant to address questions if the PZC requests it. Ms. Valestin stated that she had asked questions about how property values would be affected and was directed to another entity to contact and she didn't feel that was her responsibility to go research information. Ms. Malec clarified that the Village is not equipped to answer questions related to property values as the Village does not assign property values. The agency that determines property values for this area is the Fremont Township Assessor's Office. It is up to the PZC to direct the Petitioner on what questions they need them to address or information they need to provide.

Motion to Continue case PZC-15-2024 to January 15, 2025 at 7:00PM at the Mundelein Village Hall.

RESULT:	Passed [Yes 4, No 0, Abstained 0]
MOVER:	K. Anderson
SECONDER:	S. Petti
AYES:	Chairman T. Roswick, K. Anderson, S. Petti, S. Schneckloth
NAYS:	None
ABSTAIN:	None

QUESTIONS AND COMMENTS

No further questions or commentary

ADJOURNMENT

Motion to Adjourn the Planning & Zoning Commission Meeting of December 18, 2024.

RESULT:	Passed [Yes 4, No 0, Abstained 0]
MOVER:	S. Petti
SECONDER:	S. Schneckloth
AYES:	Chairman Roswick, Commissioner Anderson, Commissioner Petti, Commissioner Schneckloth
NAYS:	None
ABSTAIN:	None

Meeting was adjourned at 8:17 PM

To: Commission Members

From: Colleen Malec, Senior Planner

For: Planning and Zoning Commission Meeting of January 15, 2025

Subject: 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

Attachments:

1. Certificate of Publication
2. Petitioner's Packet (Includes new information)
3. Public Commentary Received as of January 9, 2025 (Includes new comment)

Background:

NOTE: New information that was not included in the December 18th staff report is near the end of this report after the Comprehensive Plan section.

The hearing was opened on December 18th and then continued to January 15th due to low Commissioner attendance, at the request of the Petitioner. The Petitioner did not present yet, but the floor was opened to public comment. Those comments are summarized in the attached draft meeting minutes.

In 2019, the Village annexed 760-780 S. Midlothian Road at the former property owner's request. The former owner, Gerald Teegan, represented that it was used as a single-family home and had a failing well that required extensive repair. Mr. Teegan asked to instead connect to the Village's water main, which requires annexation per the Village's agreement with our water provider (Central Lake County Joint Action Water Agency).

There were some unique elements to this particular annexation:

- a. No Rezoning. When properties are annexed, they are by default assigned the R-1 Single-Family Residential designation, as it is the least intense zoning district. If the applicant proposes a specific use, they may request a rezoning to a more appropriate district at the same time as annexation. Mr. Teegan did not request a rezoning, as the stated single-family use was already permitted in the R-1 district.

- b. Sanitary Connection Variation. The Annexation Agreement included a variation from the Municipal Code requirement that all incorporated properties must be connected to the Village's sanitary sewer. It specified that if the property were ever to be redeveloped in the future (or in this case, converted to a commercial land use), the property must be connected to the sanitary sewer.
- c. Annexation Fee Deferral. Mr. Teegan requested a deferral of a portion of the Annexation Fee (\$10,233.90 deferred), claiming financial hardship because of the single-family nature of the property. The Annexation Agreement specified that the remainder of the fee must be paid if the property were ever redeveloped or converted to commercial.

In February of 2024, Code Enforcement noticed the property being used for commercial purposes without any permits or business registrations. Specifically, the property owner was operating a landscaping business with an office and outdoor contractor storage yard. They were advised of the zoning violation, and the property owner opted to apply for a use variation to continue the commercial use.

Figure 1: Subject Property Location (Dated July 2019)

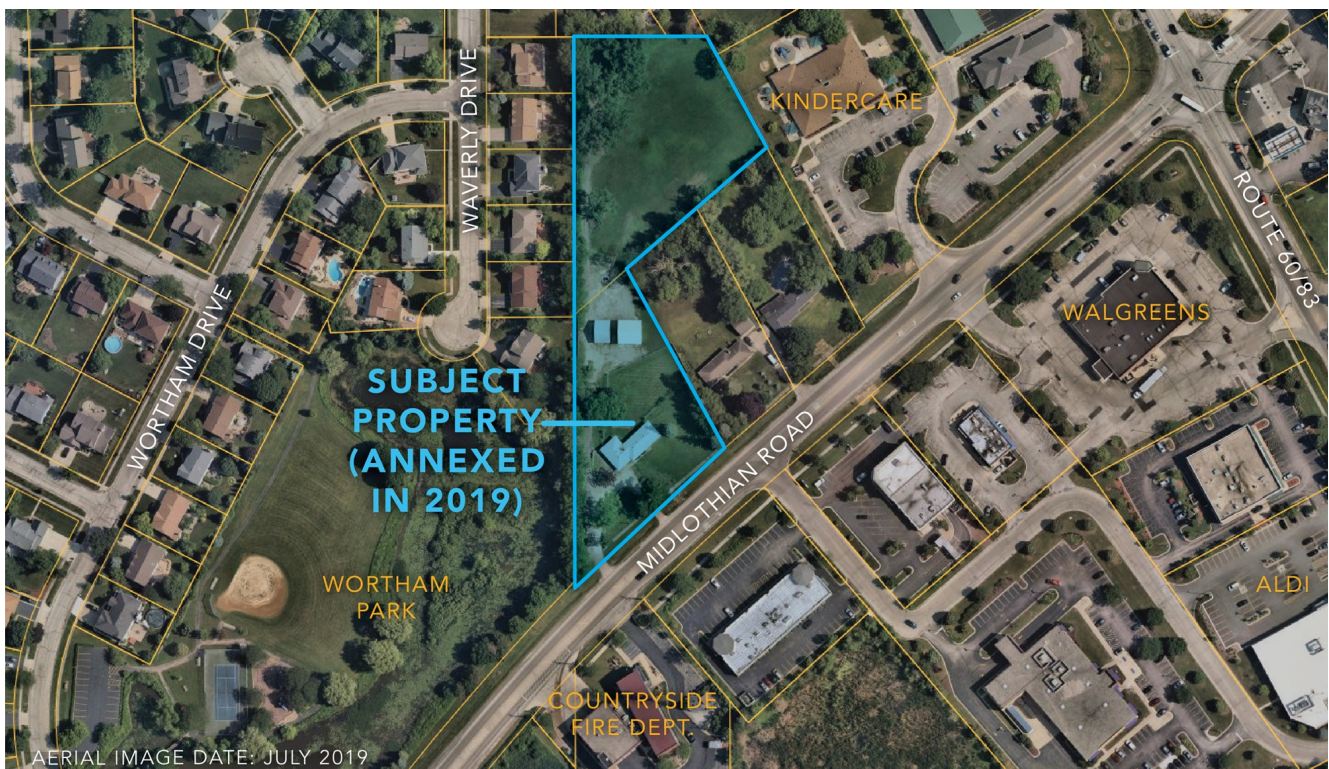


Figure 2: View from Street (Dated September 2024)



Variation Requested

The Petitioner is requesting a use variation to operate (1) an Outdoor Contractor Storage Yard; and (2) an office in the R-1 Single-Family Residential zoning district. The Petitioner will use the former house entirely as an office and there will be **no residents**.

There was some gravel installed without a permit, which is not a permitted surface in Mundelein. The Petitioner will remove and pave over the new gravel areas, so a variation for gravel is not needed. Any gravel areas that existed prior to annexation are grandfathered in, including the pre-existing gravel driveway.

Site Details

See the Petitioner's Packet for the site plan and office floor plan. The site includes:

- **Office** (formerly the single-family home) – No residents
- Pre-existing **solid wooden fence** around a substantial portion of the property, with a proposal for additional fencing and arbor vitae
- Two **pre-existing metal garages** to the rear of the office
- A **concrete pad** for storing material piles, installed by the applicant in 2021
- Proposed **asphalt parking** for landscaping vehicles and equipment

Any future expansions or changes beyond the Petitioner's site plan would require zoning relief due to the R-1 designation.

Figure 3: Aerial Comparison Pre- and Post-Annexation



Use Standards for Outdoor Storage Yards

The business must adhere to the Use Standards for Outdoor Storage Yards. As far as staff is aware, these are all either satisfied, or will be satisfied during the building permit review.

1. All outdoor storage must comply with the screening requirements of Section 20.60.150 (Screening Requirements).
 - a. Per the Petitioner: They will comply with all screening requirements, including the perimeter fencing (6' high and solid) and landscaping.
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.
 - a. Site layout already meets this requirement.
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.
 - a. Per the Petitioner: The outdoor storage area is currently gravel, but any portions installed post-annexation will be removed. A new asphalt paved surface will be installed in the contractor storage yard area for the Petitioner's business vehicles.

4. Any lighting used to illuminate an outdoor storage area shall be directed and shielded as to not illuminate any adjacent residential areas.
 - a. Per the Petitioner: The lighting used to illuminate the outdoor storage area is directed away from nearby residential areas. Petitioners will comply with all lighting requirements.
5. All items stored outdoors must be related to the on-site business and its operations.
 - a. Per the Petitioner: All items stored on the property relate to the Petitioner's landscape business.

Staff Comments

Building Department: Due to the conversion of a single-family home to a commercial use (office), please note that there may be some modifications required to bring the building up to code for commercial use (ADA accessibility, fire alarms, etc.).

Public Works and Engineering: The Petitioner must comply with all Watershed Development Ordinance requirements with regards to new surfaces.

Community Development: Per the Annexation Agreement, the Petitioner will be responsible for paying the remainder of the Annexation Fee (\$10,233.90) and must connect to the Village's sanitary sewer system. The Petitioner has agreed to both.

Comprehensive Plan

Relevant excerpts from the Comprehensive Plan to provide guidance:

- **Future Land Use Plan:**
 - The Future Land Use Map designates this property under the "**Flexible Use**" category.
- **Residential Chapter:**
 - Preserve and enhance the **residential character** of the Village.
 - Ensure **residential areas are adequately screened/buffered** from incompatible adjacent non-residential uses and activity.
 - Protect residential areas from **encroachment by incompatible land uses** and the adverse impacts of adjacent non-residential activities through implementation of the Future Land Use Plan and the strict enforcement of buffering, landscaping, screening, and lighting requirements of adjacent non-residential properties.
- **Economic Development Chapter:**
 - Improve and **strengthen the Village's diverse tax base** and fiscal stability through the attraction, retention, and expansion of businesses in the Village.
 - Consistently and **strictly administer property maintenance** and code enforcement process in nonresidential areas of the Village.
 - Promote the **appropriate mix and intensity of non-residential uses** in the various districts throughout the Village.
 - Support and encourage an appropriate mix of retail, office, service commercial, and industrial activities to be organized by use and concentrated within or near areas of complementary uses.

- Require all **industrial development to meet specific applicable performance standards** for noise, air, odor, and any other forms of environmental pollution.

Public Comments

Staff has received four written commentaries, which are attached for review:

- Three received prior to the December 18th hearing
- One received following the December 18th hearing

Public commentary given in person on December 18th is summarized in the attached draft meeting minutes.

Complaint History

The Police Department and Code Enforcement were both asked to provide complaint history on the property since 2019. Code Enforcement has not received any complaints, and the Police Department received one noise complaint in 2023.

Code Enforcement Timeline

- **November 2021** - The illegal use of the property was caught by a staff member via aerial imagery and they notified Code Enforcement.
- *Note: As of writing this staff report, records are unclear as to when the property owner was first contacted by Code Enforcement with a Notice of Violation. If we are able to find the information, we will bring it to the hearing.*
- **February 2024** – Property owner visited the Village Hall to notify staff that they hired an attorney that would contact the Village shortly.
- **May 2024** – First draft of petition submitted by applicant.
- **August 2024** – Revised draft of petition submitted by applicant.
- **October 2024** – Department review complete and Village comments returned to applicant.
- **November 2024** – Application finalized and public hearing scheduled.

Lake County History

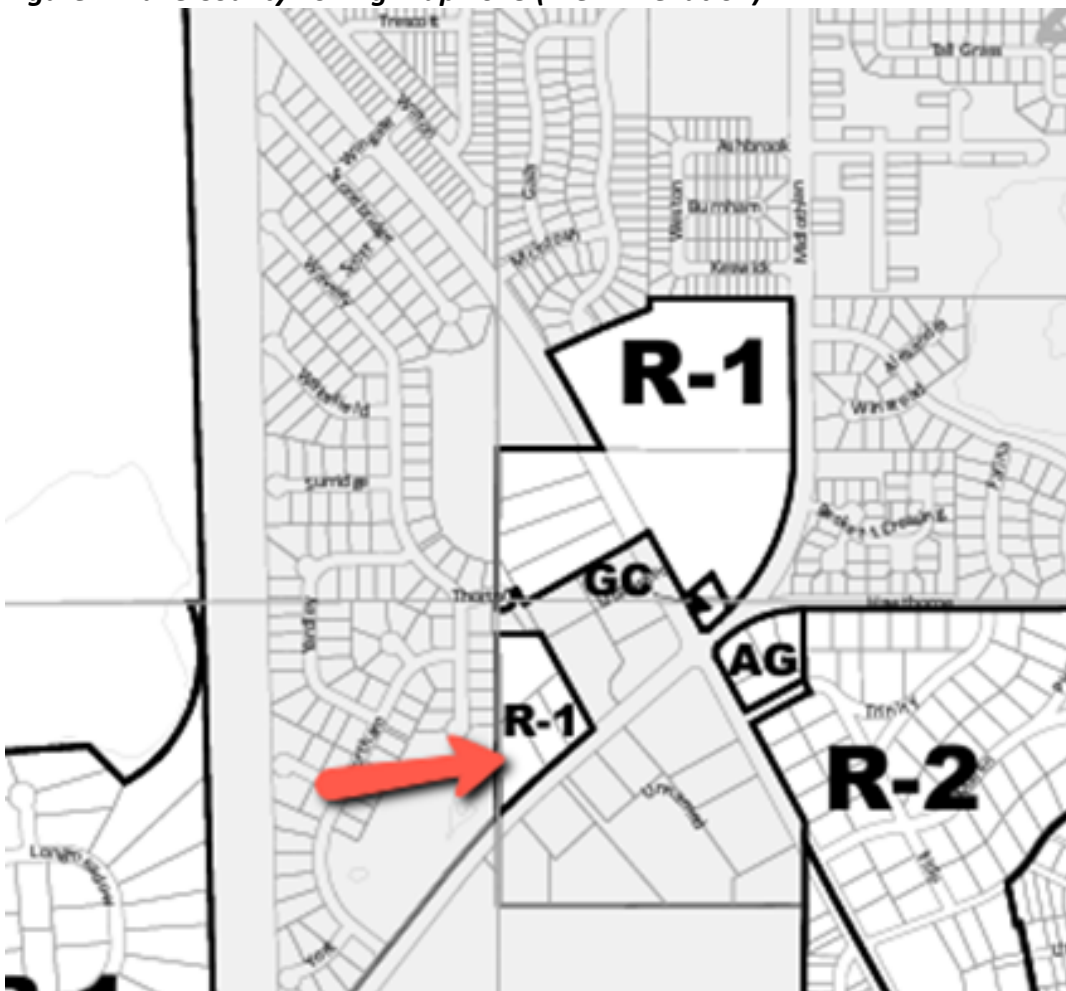
Prior to annexation into the Village of Mundelein, the property was zoned **R-1 Residential** under Lake County's zoning. The neighboring property, which is still unincorporated, is also zoned R-1. According to the Lake County Unified Development Ordinance, the purpose of their R-1 District is as follows:

"The R-1 District is intended to accommodate low-density, large-lot residential development and to ensure the protection of areas that develop in such a manner. This district is a higher density version of the very-low density Rural Estate (RE) District. Like the RE District, the R-1 District is expected to accommodate only a very small amount of the county's overall housing needs. These districts primarily serve those households who desire to live in low-density estate areas and are

willing to assume the costs of doing so. Because of the relatively sparse population in R-1-zoned areas, the county will not give high priority to the provision of public services in the areas. Instead, public service provision by the county will be concentrated in areas where more intense future development is called for by the Regional Framework Plan. The low densities permitted in the R-1 District generally permit on-site, individual sewage disposal systems and wells, thereby reducing the need for inefficient public expenditures.”

Permitted uses in Lake County’s R-1 Residential District generally include single-family residential and related accessory uses. It also permits (or permits with a conditional use permit) uses like government facilities, parks and open space, religious institutions, schools, certain agricultural uses, and minor fill sites. “Contractor’s Equipment, Sales or Storage” was not a permitted use in Lake County’s R-1 District.

Figure 4: Lake County Zoning Map 2018 (Pre-Annexation)



Analysis

Staff does not strongly oppose nor support the proposed use as presented and recommends evaluating this case based on testimony by the Petitioner and surrounding neighbors. The following points are offered for consideration:

- A. The use has been conducted on the site for several years (albeit without permission) with a low number of complaints from neighboring residents (one noise complaint in 2023). Due to the solid fence and gate screening the storage area, it is not immediately apparent from the roadway that the property is being used for commercial purposes. However, public commentary at the December 18th hearing indicated that adjacent neighbors can see, hear, and smell the business operations.
- B. The Comprehensive Plan's "Flexible Use" category is often assigned to properties located at a junction between multiple land use types because more than one use may be compatible with the surrounding area. The PZC should evaluate these "Flexible Use" properties on a case-by-case basis. This property is surrounded by a wide variety of uses, such as:
 - a. Single-family residential
 - b. Recreation/open space
 - c. Agriculture
 - d. Institutional (fire station)
 - e. Commercial strip centers and freestanding businesses
- C. Staff recommends reserving judgement until public commentary is received and the Petitioner has presented their case. If nearby residents make a compelling case that they are negatively impacted by the proposed use, it may not be compatible with residential areas.
- D. The property is much larger than the Petitioner's outdoor storage area and has far more potential for intensity than the Petitioner has requested. The applicant does not propose to use this area at this time.
- E. If approved with a condition that the use is subject to the site plan, the surrounding area can have an expectation that the size, use, and intensity of the commercial use cannot increase without a public hearing.

Recommended Conditions

In the event that the Commission recommends approval, Staff provides the following conditions for consideration:

- 1. All exterior uses are limited to the locations and specific business activities shown on the site plan within the Petitioner's Packet. Any expansions or changes in use or intensity must be submitted under a new variation application.
- 2. All approvals are granted to the current property owner and will become null and void if the property owner or business operator changes.

Other options for conditions: additional screening beyond base code requirements, expiration date of approvals, limitations or prohibitions of specific activities (such as mulching, cutting wood, etc.), limitations on the size and/or number of vehicles, etc.

Recommendation:

Motion to recommend **Approval/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.

NOTICE OF HEARING BEFORE THE
VILLAGE OF MUNDELEIN PLANNING & ZONING
COMMISSION

NOTICE IS HEREBY GIVEN that on December 18, 2024, at the hour of 7:00 p.m., there will be a public hearing before the Village of Mundelein Planning and Zoning Commission at the Mundelein Village Hall, 300 Plaza Circle, Mundelein, Illinois, concerning a petition by Maria and Jose Gonzalez. The petition requests 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 (PINs 10-36-100-003 and 10-36-100-019), in accordance with the application on file with the Village of Mundelein.

If you cannot attend the meeting in-person and you wish to submit a question or comment to be provided to the Planning and Zoning Commission, please email your full name and your question or comment to planning@mundelein.org. Please put "Public Commentary" in the subject line. Comments received during the meeting, but after the public commentary portion has ended, will be provided to the Commission Members after the meeting.

CASE NO.: PZC-15-2024

The name and address of the Petitioner:

Maria and Jose Gonzalez
780 S. Midlothian Road
Mundelein, IL 60060

This Notice is an invitation to all interested persons to submit oral or written testimony or other evidence concerning the above case to the Village of Mundelein Planning and Zoning Commission to planning@mundelein.org. Comments received by 5:00 p.m. CT on December 11, 2024, will be included in the meeting agenda packet. Comments received after this date will be provided to the Commissioners on the day of the public hearing. Persons with questions are encouraged to call the Village of Mundelein at (847) 949-3282. The Planning and Zoning Commission's actions are not final for this case. The Planning and Zoning Commission will forward its findings and recommendations to the Village Board of Trustees for final consideration and action.

Dated at Mundelein, Illinois, this 3rd day of December, 2024.

Terry Roswick /s/
Chairman

Planning and Zoning Commission

Published in Daily Herald Dec. 2, 2024 (270854)

CERTIFICATE OF PUBLICATION

Paddock Publications, Inc.

Lake County Daily Herald

Corporation organized and existing under and by virtue of the laws of the State of Illinois, DOES HEREBY CERTIFY that it is the publisher of the **Lake County DAILY HERALD**. That said **Lake County DAILY HERALD** is a secular newspaper, published in Libertyville, Lake County, State of Illinois, and has been in general circulation daily throughout Lake County, continuously for more than 50 weeks prior to the first Publication of the attached notice, and a newspaper as defined by 715 ILCS 5/5.

I further certify that the **Lake County DAILY HERALD** is a newspaper as defined in "an Act to revise the law in relation to notices" as amended in 1992 Illinois Compiled Statutes, Chapter 715, Act 5, Section 1 and 5. That a notice of which the annexed printed slip is a true copy, was published 12/02/2024 in said **Lake County DAILY HERALD**. This notice was also placed on a statewide public notice website as required by 5 ILCS 5/2.1.

BY

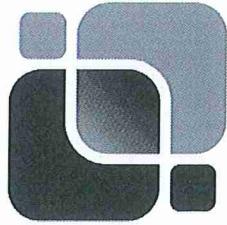

Designee of the Publisher of the Daily Herald

Control # 270854 *LAKE*



Petitioner's Packet Pt. 1

New information provided for 1/15/25 hearing



**Churchill
Quinn
Hamilton &
Van Donselaar LTD**
ATTORNEYS AT LAW

TWO SOUTH WHITNEY, GRAYSLAKE, IL 60030
(847) 223-1500, FAX (847) 223-1700
WWW.GRAYSLAKELAW.COM

FOUNDED IN 1903
R.W. CHURCHILL (1875-1963)
GEORGE O. CHURCHILL (1914-1985)

ROBERT W. CHURCHILL
JOHN W. QUINN
MARK VAN DONSELAAR
JOHN L. QUINN
AMBER L. DESSELLES
MARY LEE BERRESHEIM
JAMES J. BABOWICE
SUSAN M. BRADLEY

RETIRED:
WILLIAM A. CHURCHILL
MARK T. HAMILTON

January 8, 2025

Via email

Colleen Malec, AICP
Senior Planner
Village of Mundelein
300 Plaza Circle
Mundelein, IL 60060

Re: PZC-15-2024
760-780 S. Midlothian Road Property, Mundelein, Illinois
Variance Application for Outdoor Contractor Storage Yard

Dear Ms. Malec,

On behalf of Jose and Maria Gonzalez, we are enclosing additional materials for the Board's consideration from Mr. and Mrs. Gonzalez's Land Planner. Mr. Christensen will also participate in the scheduled meeting for the 15th of this month.

Please advise us if there is any other information you need from the Petitioners prior to the January 15th meeting. Thank you for your time and assistance.

Sincerely,

James J. Babowice

c: Mr. & Mrs. Gonzalez

Glenn M. Christensen
4990 Prairie Oak Road
Gurnee, Illinois 60031
847/404-2307
gchristensen872@gmail.com

Background

1974	Bachelor of Landscape Architecture – University of Illinois, Champaign – Urbana
1974 – 1978	City of Waukegan Planning & Zoning Department – Planner/Landscape Architect
1978 – 1982	Associated Planners – Northbrook, Illinois a consulting planning and landscape architecture firm – Planner/Landscape Architect
1982 – 1984	Allen Krackower & Associates – Bloomingdale, Illinois a consulting planning and landscape architecture firm
1984 – 2004	Christensen & Associates – Gurnee, Illinois a consulting landscape architecture and planning firm
2004 – 2017	Christensen & Associates acquired by Manhard Consulting – Vernon Hills, Illinois – Senior Landscape Architect working in planning and landscape architecture
2017	Semi-Retirement
1996 – 2017	Consulting Village Planner for the Village of Wadsworth, Illinois

Previously a Registered Landscape Architect in the States of Illinois and Wisconsin

Work Included:

- Land Planning & Entitlement
- Site Planning
- Residential, Commercial & Industrial Landscape Architecture
- Urban Planning for Client Governments
- Park Planning & Design
- Expert Testimony

January 7, 2025

Gonzalez Property – Mundelein

After a site visit and my review of the Zoning Application and associated documents I have the following comments and recommendations concerning the zoning request by the Gonzalez's.

1. Observation – At my site visit it was apparent that only about the front half of the site is being utilized for the Gonzalez Landscape Business. The site was very clean and laid out in an orderly manner with the rear portion of the site being maintained as an open area with manicured turf that will be continued and allow for water infiltration.
2. Design Recommendation – Extend an 8 foot fence from the end of the existing fence on the west property line east to the southeasterly property line that will totally enclose the existing gravel parking area. (see attached sketch plan on the Plat of Survey)
3. Design Recommendation – Extend the planting of the existing arbor vitae hedge along the entire fence line along the west property line. (see attached sketch plan)
4. The extension of the fence and extension of the Arbor Vitae hedge will serve to screen the view of the area being used to park trucks and reduce the amount of noise the equipment may produce.
5. In observing the site and the existing topography it was apparent the current site drainage from the current paved and gravel area flows to the south and southeast away from the rear portion of the site. There was no drainage toward the residential lots on the west side of the property.
6. On approval of the Zoning Variation, the owner should hire a civil engineer to make the site compliant with the requirements of the Lake County Watershed Development Ordinance and any Village of Mundelein requirements as well as determining positive drainage.
7. Provide pavement in all areas where there is currently gravel.
8. Zoning Variation Request
 - The existing accessory buildings (garages) were existing on the site when the petitioner bought the property.
 - The adjoining neighbors have gone on record in support of the Zoning Variation request.
 - The petitioner will restrict any parking and use on the site to the existing paved and gravel area that will be entirely fenced in.

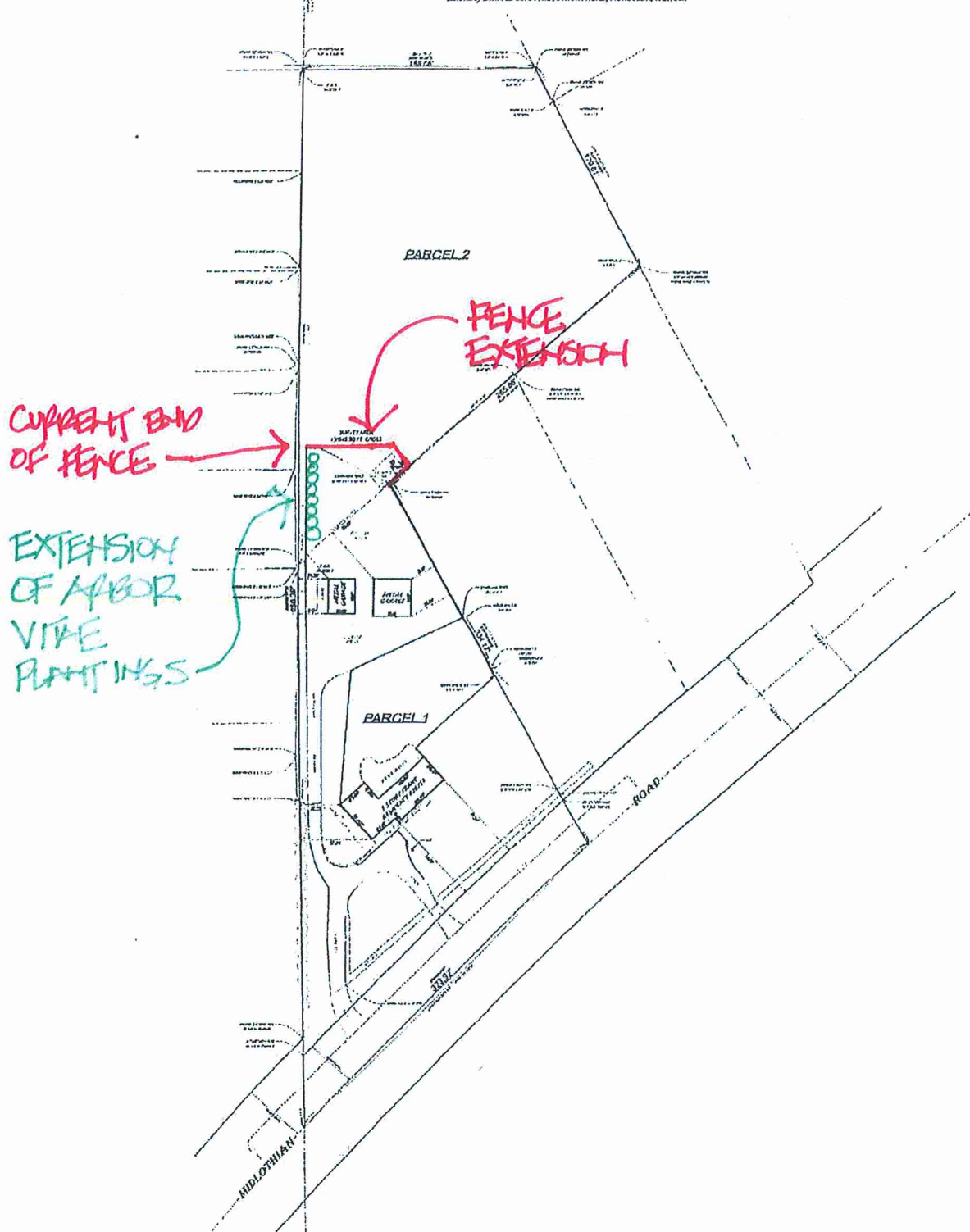
- The Future Land Use Plan designates the property as "Flexible Use". The current use allows the site to be used and be functional which puts it into a "holding land use" for any future development that complies with the future land use classification of "Flexible Use"

Glenn M. Christensen

Plat of Survey

[illegible][illegible]

Commonly known as 26754 MIDGOTHIAN ROAD, MUNDLEIGH, HUNOLR



QUOTA NUMBER 31-113
 SAMPLED BY: SW GARCIA
 FOR: ATC GARCIA
 REMARKS:

TO: DIRECTOR, FBI
FROM: SAC, NEW YORK (100-100000)
SUBJECT: [REDACTED]



R E DECKER
 11701 N. HILL RD., CHICAGO, IL 60631
 111 W. PETERSON RD SUITE D
 LIBERTYVILLE, IL 62250
 TEL. 847-361-0091
 DeckerSurvey@gmail.com
 Website: DeckerSurvey.com



File Book Completed on 2-22
STATE OF ILLINOIS }
COURTS OF LAW } ss
The undersigned, the undersigned in the court of
Illinois, do hereby certify that the following is a true and
correct copy of the original as the same appears in the
records of the Court.
R. B. DOCKERTY, P.C.
J. P. [Signature]
#1 [Signature] [Signature]
[Signature] [Signature]

Petitioner's Packet Pt. 2

Original petition from 12/18/24

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

PROPERTY INFORMATION

Address 760-780 Midlothian Rd., Mundelein, IL 60060
Property Index Numbers (PIN) 10-36-100-003 and
10-36-100-019
Size of Property 136,948 (sq. ft./acres)
Size of Building Space _____ (sq. ft.)
Size of Space Utilized _____

ZONING

Current Zoning R-1
Proposed Zoning R-1
Current Use _____
Proposed Use contractor storage yard and office

PETITIONER INFORMATION

Business/Org. Name _____
Name Maria and Jose Gonzalez
Title _____
Address 780 S. Midlothian Road
City, State, Zip Mundelein, IL 60060
Phone (847) 924-5557
Email gonzalezjose1260@yahoo.com
Petitioner Status: ☒ Owner ☐ Lessee ☐ Contract Purchaser

PROPERTY OWNER INFORMATION

Business/Org. Name _____
Name Maria S. Gonzalez
Title _____
Address 780 S. Midlothian Road
City, State, Zip Mundelein, IL 60060
Phone (847) 924-5557
Email gonzalezjose1260@yahoo.com

SECTION OF ZONING ORDINANCE: 20.28.020

DESCRIPTION OF PROPOSED ZONING VARIATION *(Attach additional pages, if necessary)*

Petitioners seek a variation from the Permitted and Special Uses in the R-1 Residential District to allow for
a contractor's storage yard and office as a permitted use for Petitioner's landscaping business.
Please see attached Narrative.

STANDARDS FOR GRANTING A VARIATION PLEASE SEE ATTACHED EX. B NARRATIVE

In evaluating the proposed variation, the Zoning Administrator, Planning and Zoning Commission and Village Board will make findings based on the standards imposed by Section 20.16.020 of the Zoning Ordinance. **Please provide a detailed response to each of the following criteria** (*attach additional pages, if necessary*):

- 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 further inquire into the following evidentiary issues, as well as any others deemed appropriate. **Please provide a detailed response to each of the following criteria** (*attach additional pages, if necessary*):

- a. The particular physical surroundings, shape, or topographical conditions of the specific property impose a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of 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 impair property values within the neighborhood.
- e. The proposed variation is consistent with the spirit and intent of this Ordinance and Village land use policies.
- f. 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.

SITE VISIT AUTHORIZATION

I hereby grant employees of the Village of Mundelein, their agents, and members of the Mundelein Planning and Zoning Commission permission to enter on the property located at the following address:

(Address) 760-780 S. Midlothian Rd., Mundelein, IL 60060

Visual inspection of the site shall be accomplished during reasonable hours to examine only those portions of the property relating to this application. This permission is granted in regards to the Mundelein Planning and Zoning Commission Petition for the above-cited property.

**If Owner or if Owner is a
Corporation or Partnership:**

Maria S Gonzalez 8-21-24
Signature of Owner Date

By Maria S. Gonzalez

Title/Full Corporate Name

If Contract Purchaser:

Signature of Contract Purchaser Date

By _____

Title/Full Corporate Name

If Lessee (Corporate or Partnership):

Signature of Lessee Date

By _____

Title/Full Corporate Name

REQUIRED SIGNATURES

The undersigned states under oath that he/she/they are the **Legal Owner(s)** of record of the realty described in this Planning and Zoning Commission Application, and the statements that he/she/they made in the foregoing application are true in substance and in fact.

Signature (Owner): Maria S Gonzalez
Printed Name: Maria S. Gonzalez

Date: 8-21-24
Title: Owner and Petitioner

Signature (Owner): Jose Gonzalez
Printed Name: Jose Gonzalez

Date: 8-21-2024
Title: Petitioner

The undersigned states under oath that he/she/they are the **Contract Purchaser** of record of the realty described in this Planning and Zoning Commission Application, and the statements that he/she/they made in the foregoing application are true in substance and in fact.

Signature Contract Purchaser: _____
Printed Name: _____

Date: _____
Title: _____

The undersigned states under oath that he/she/they are the **Lessee** of record of the realty described in this Planning and Zoning Commission Application, and the statements that he/she/they made in the foregoing application are true in substance and in fact.

Signature Lessee: _____
Printed Name: _____

Date: _____
Title: _____

VARIANCE APPLICATION EXHIBIT LIST

760-780 Midlothian Road, Mundelein, IL 60060

Exhibit "A": Warranty Deed

Exhibit "B": Narrative

Exhibit "C": Plat of Survey

Exhibit "D": Site Plan

Exhibit "E": Aerial Photograph

Exhibit "F" Photographs

VARIANCE APPLICATION
760-780 Midlothian Road, Mundelein, IL 60060

EXHIBIT A
WARRANTY DEED

**WARRANTY DEED
ILLINOIS**

MAIL TO:
Alicia Ayala
1800 Nations Road
Suite 218
Gurnee, IL 60031

NAME & ADDRESS OF TAXPAYER:
Maria S. Gonzalez
26754 N Midlothian Road
Mundelein, IL 60060

04/195702056 LV

Image# 058400850004 Type: DV
Recorded: 07/15/2019 at 03:55:03 PM
Receipt#: 2019-00034517
Page 1 of 4
Fees: \$585.00
IL Rental Housing Fund: \$9.00
Lake County IL Recorder
Mary Ellen Vanderventer Recorder
File **7576243**

REAL ESTATE TRANSFER TAX



County: \$175.00
Illinois: \$350.00
Total: \$525.00

Stamp No: 1-706-981-472
Declaration ID: 20190704924898
Instrument No: 7576243
Date: 15-Jul-2019

RECOR

THE GRANTOR, GERALD R. TEEGEN, AS TRUSTEE UNDER TRUST AGREEMENT DATED JUNE 5, 1997, AND KNOWN AS THE GERALD R. TEEGEN DECLARATION OF TRUST DATED JUNE 5, 1997, of Wilmette, State of Illinois, for and in consideration of Ten and No/100 Dollars (\$10.00), and other good and valuable consideration in hand paid, CONVEY AND WARRANT to MARIA S. GONZALEZ^{*}, all interest in the following described Real Estate situated in the County of Lake, in the State of Illinois, to-wit: * a married woman

PARCEL 1:

THAT PART OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 36, TOWNSHIP 44 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT A POINT ON THE WEST LINE OF SAID 1/4 SECTION 535.46 FEET SOUTH OF THE NORTHWEST CORNER OF SAID SECTION 36; THENCE NORTH 49 DEGREES 13 MINUTES EAST, 96.3 FEET TO THE MOST WESTERLY CORNER OF PREMISES CONVEYED BY DEED RECORDED AS DOCUMENT 848754; THENCE SOUTH 28 DEGREES EAST 335.15 FEET ALONG THE SOUTHWESTERLY LINE, OF DOCUMENT 848754 TO THE CENTER LINE OF STATE ROUTE 63; THENCE SOUTHWESTERLY ALONG THE CENTER LINE OF SAID HIGHWAY ON A CURVED LINE CONVEX NORTHWESTERLY TO THE WEST LINE OF SAID 1/4 SECTION; THENCE NORTH ON THE WEST LINE OF SAID 1/4 SECTION, 455.99 FEET, MORE OR LESS, TO THE PLACE OF BEGINNING, IN LAKE COUNTY, ILLINOIS.

PARCEL 2:

THAT PART OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 36, TOWNSHIP 44 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS: BEGINNING AT A POINT OF THE WEST LINE OF SAID SECTION 36, 141.02 FEET SOUTH OF THE NORTHWEST CORNER OF SAID SECTION 36; THENCE SOUTH ALONG SAID WEST LINE, A DISTANCE OF 394.44 FEET TO A POINT THAT IS 535.46 FEET SOUTH OF SAID

6
④

NORTHWEST CORNER; THENCE NORTH 49 DEGREES 13 MINUTES EAST, 362.25 FEET TO AN OLD IRON PIPE; THENCE NORTH 28 DEGREES 35 MINUTES WEST ALONG A LINE THAT INTERSECTS THE WEST LINE OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 25, TOWNSHIP AND RANGE AFORESAID, AT APPOINT AS ESTABLISHED BY ARTHUR DUNAS HAWTHORNE HEIGHTS SUBDIVISION NOW VACATED, A DISTANCE OF 179.86 FEET; THENCE WEST A DISTANCE OF 188.03 FEET TO THE POINT OF BEGINNING, IN LAKE COUNTY, ILLINOIS.

Subject to: General real estate taxes for the year 2019 and all years subsequent thereto: other restrictions, conditions, covenants and easements of record.

Hereby releasing and waiving all rights under and by virtue of the Homestead Exemption Laws of the State of Illinois.

Permanent Index Number(s): 10-36-100-003 and 10-36-100-019

Property Address: 780 S. Midlothian Road (formerly known as 26754 N. Midlothian Road), Mundelein, IL 60060 AND 780 S. MIDLOTHIAN ROAD, MUNDELEIN, IL 60060

DATED this 10th day of July, 2019.

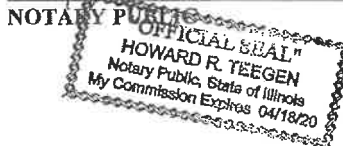
 (SEAL)
**GERALD R. TEEGEN, AS TRUSTEE
UNDER TRUST AGREEMENT DATED
JUNE 5, 1997 AND KNOWN AS THE
GERALD R. TEEGEN DECLARATION
OF TRUST DATED JUNE 5, 1997**

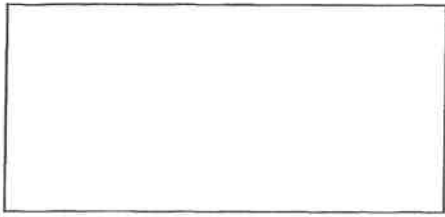
STATE OF ILLINOIS)
) ss.
COUNTY OF LAKE)

I, the undersigned, a Notary Public in and for said County, in the State aforesaid, **DO HEREBY CERTIFY GERALD R. TEEGEN, AS TRUSTEE UNDER TRUST AGREEMENT DATED JUNE 5, 1997, AND KNOWN AS THE GERALD R. TEEGEN DECLARATION OF TRUST DATED JUNE 5, 1997**, personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person, and acknowledged that he signed, sealed and delivered the said instrument as his free and voluntary act, for the uses and purposes therein set forth, including the release and waiver of the right of homestead.

Given under our hand and seal, this 10th day of July, 2019.

Our commission expires on 4/18/20





COUNTY - ILLINOIS TRANSFER
STAMPS
EXEMPT UNDER PROVISIONS
OF PARAGRAPH _____, SECTION 4,
REAL ESTATE TRANSFER ACT
DATE: _____, 2019

Buyer, Seller or Representative

NAME AND ADDRESS OF PREPARER:

Howard R. Teegen
74 E. Grand Avenue, P.O. Box 86
Fox Lake, Illinois 60020

** This conveyance must contain the name and address of the Grantee for tax billing purposes: (Chap. 55 ILCS 5/3-5020) and name and address of the person preparing the instrument: (Chap. 55 ILCS 5/3-5022).



Plat Act Affidavit

18 N County St - 6th Floor
Waukegan, IL 60085-4358
Phone: (847) 377-2575
FAX: (847) 984-5860

STATE OF ILLINOIS }
COUNTY OF LAKE } SS

I, (name) Gerald R. Teege, Trustee being duly sworn on oath, state that I reside at 4071 Fairway, Wilmette, IL 60091 and that the attached deed is not in violation of the Plat Act, Ch. 765 ILCS 205/1.1(b), as the provisions of this Act do not apply and no plat is required due to the following allowed exception (Circle the number applicable to the attached deed):

1. The division or subdivision of land into parcels or tracts of 5 acres or more in size which does not involve any new streets or easements of access;
2. The division of lots or blocks of less than 1 acre in any recorded subdivision which does not involve any new streets or easements of access;
3. The sale or exchange of parcels of land between owners of adjoining and contiguous land;
4. The conveyance of parcels of land or interests therein for use as a right of way for railroads or other public utility facilities and other pipe lines which does not involve any new streets or easements of access;
5. The conveyance of land owned by a railroad or other public utility which does not involve any new streets or easements of access;
6. The conveyance of land for highway or other public purposes or grants or conveyances relating to the dedication of land for public use or instruments relating to the vacation of land impressed with a public use;
7. Conveyances made to correct descriptions in prior conveyances;
8. The sale or exchange of parcels or tracts of land following the division into no more than 2 parts of a particular parcel or tract of land existing on July 17, 1959, and not involving any new streets or easements of access;
9. The sale of a single lot of less than 5 acres from a larger tract when a survey is made by an Illinois Registered Land Surveyor; provided, that this exemption shall not apply to the sale of any subsequent lots from the same larger tract of land, as determined by the dimensions and configuration of the larger tract on October 1, 1973, and provided also that this exemption does not invalidate any local requirements applicable to the subdivision of land;
10. The conveyance of land does not involve any land division and is described in the same manner as title was taken by grantor(s).

AFFIANT further states that this affidavit is made for the purpose of inducing the RECORDER OF LAKE COUNTY, ILLINOIS to accept the attached deed for recording. (This affidavit is not applicable to Facsimile Assignment of Beneficial Interest.)

SUBSCRIBED and SWORN to before me this 10 day

of July

2014


(Signature)



Revised: September 7, 2010 11:40 AM

VARIANCE APPLICATION
760-780 Midlothian Road, Mundelein, IL 60060

EXHIBIT B
NARRATIVE

EXHIBIT B
VILLAGE OF MUNDELEIN
PETITION FOR ZONING VARIATION

NARRATIVE STATEMENT

760-780 S. MIDLOTHIAN RD., MUNDELEIN, IL 60060

Zoning Relief Requested

Mr. and Mrs. Maria and Jose Gonzalez, husband and wife, (jointly “**Petitioners**”) hereby request a Zoning Variation to operate their landscaping business, Jose Gonzalez Landscaping, Corp. , at their property located at 760-780 S. Midlothian Road, Mundelein, Illinois 60060, legally described on Exhibit A attached to the Application for Zoning Variance (the “**Application**”) and depicted in the aerial photograph attached as Exhibit E to the Application and made a part hereof (the “**Property**”). The zoning classification for Petitioners’ Property is R-1 Residential District.

The Property is bounded on the east by properties zoned C-2 Commercial plus two unincorporated Lake County lots zoned residential. It is bounded on the south by properties zoned C-2 Commercial and the Village fire station zoned I Institutional. The property is bounded to the north and west by properties zoned R-2 Residential and OS Open Space.

Petitioners request a variation from the Permitted and Special Uses in Section 20.28.020 to allow for a Contractor Storage Yard and Office for the operation of Petitioners’ landscape business. The Petitioners’ Property is an irregular shaped lot consisting of approximately 3 acres and is not well suited for the R-1 Residential District. The north half of the Property, 760 Midlothian Road, PIN 10-36-100-019, abuts the R-2 residential lots on the north and west and is mostly vacant open space. The south half of the Property, 780 N. Midlothian, PIN 10-36-100-003 is improved with a house (proposed future office), garage and shed. Petitioners was previously located in unincorporated Lake County and was annexed into the Village of Mundelein by Resolution dated June 24, 2019 and Ordinance recorded July 2, 2019.

Background

The owner of record is Mrs. Maria S. Gonzalez (“**Owner**”) pursuant to a Deed dated July 10, 2019 and recorded July 15, 2019. See Exhibit A attached to the Application. Shortly before the purchase by Owner, the Village of Mundelein adopted Resolution 19-06-36 dated June 24, 2019, authorizing the execution an annexation agreement between the Village and the prior owner, Gerald R. Teegan. The Petitioners had no involvement in the annexation negotiations with the Village and the prior owner did not notify the Petitioners that the Property was in the process of being annexed to the Village. While, the terms of the annexation agreement assign a R-1 zoning code classification to the Property, consistent with the Zoning Ordinance, it also anticipates a

rezoning or redevelopment of the Property. Petitioners understand that additional fees will be due if their Petition is granted, including the annexation fee which was previously waived or deferred at the request of the prior owner.

As noted on the Plat of Survey attached to the Petitioner's Variance Application, the building is located at the front of the lot. The building is intended to be utilized for office purposes only and not for residential purposes. Adjacent to the building, a wooden fence runs across the width of the lot to screen the storage area located behind it. The area for the contractor storage yard is not visible from Midlothian Road. Trees and other landscaping are located along the west and east sides of the property. Outdoor lighting in the contractor storage yard area is directed to the space between the sheds and the parked vehicles.

Petitioners understand that areas of gravel existing prior to the Property's annexation into the Village of Mundelein are grandfathered in and that no permit is required for these areas. Petitioners plan to replace the newly installed gravel area with asphalt as shown on the preliminary Site Plan attached as Exhibit D to the Application.

Petitioners are residents of Mundelein and have lived in Mundelein for over 25 years. They have raised their children in Mundelein and been involved in the Mundelein community. Petitioners' landscape business, Jose Gonzalez Landscaping Corp. has been in business for over 20 years. The business services approximately 200 clients, including local businesses as well as neighbors. The business utilizes 5 work trucks and 1 tree trimmer truck and operates from 6:00am to 6:00 pm Monday thru Saturday . The proposed contractor storage yard stores dirt, sand and fence posts behind the two metal sheds. The sheds contain landscaping equipment, extra mowers, blowers, snowplow machines, grass trimmers and hardware. The vehicles are parked in the storage area as noted on the Site Plan.

STANDARDS FOR GRANTING A VARIATION

Petitioners respond to the following variance and use standards as noted below:

1. Approval Standards for Variance pursuant to Section 20.16.030F1:

(a) The strict application of the terms of this title will result in undue hardship.

The Owner acquired the Property in 2019. At the time the Owner entered into a contract with the seller, the Property was located in unincorporated Lake County, Illinois. The Petitioners were not informed of the pending annexation and the annexation ordinance was recorded days before the closing. Due to its proximity to commercial properties, Petitioners believed that this property also allowed for commercial uses. A strict application of the Code will render the Property unusable by Petitioners.

(b) The plight of the owner is due to unique circumstances.

The Property consists of a deep irregular shaped lot of two parcels with a narrow access to the back parcel. Its shape and orientation does not make is conducive to single family or even multi - family residential use.

(c) The variation, if granted, will not alter the essential character of the locality.

The requested variation in use will not alter the essential character of the locality. The Property is bounded on the east by properties zoned C-2 Commercial plus two unincorporated Lake County lots zoned residential. It is bounded on the south by properties zoned C-2 Commercial and the Village fire station zoned I Institutional. The property is bounded to the north and west by properties zoned R-2 Residential and OS Open Space.

Uses include a fire station and retail shopping area to the south,(including a car wash, Walgreens, Goodwill, Aldi, UPS store and fast food); daycare facility, bank with drive thru and fast-food drive thru to the east; single family housing subdivision to the north and west.

2. Evidentiary Issues pursuant to Section 20.16.030F2:

(a) The particular physical surroundings, shape or topographical conditions of the specific property impose a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out.

Due to the unusual configuration of the Property and the narrow access to the rear parcel, present a challenge for the owner. The site, which adjoins both residential and commercial properties, is not suitable for residential use.

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

The Petitioners were not involved in the annexation of the Property into the Village of Mundelein. The Annexation Ordinance was recorded just 8 days prior to the Owner's purchase of the Property.

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

The variation in use at the Property will not endanger public health or safety or general welfare of the community. Petitioner will address all concerns of the Village with respect to screening, border landscaping, paving and other actions to minimize disruptions to neighbors. Petitioners are residents of the Village and value all community members.

(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 impair property values within the neighborhood.

The Petitioner's landscape business does not have customers on the site and the operations are limited to certain hours of the day. There are no structures that will impact light and air. The Property is located near a busy commercial intersection and its operations will have no substantial impact on traffic congestion or increase the danger of fire or impact public safety. The business operations, located behind the residential structure used as an office, will not be visible and will have no substantial impact on property values.

(e) The proposed variation is consistent with the spirit and intent of this title and village land use policies.

The variation in use to allow a Contractor Storage Yard and Office is consistent with and complementary to the Village Comprehensive Plan for that area which consists of several commercial properties. Moreover, the taxes paid by the business relative to its operation will benefit and support Village services provided to the community.

(f) 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.

If the variation in use is not allowed, it will reduce the value of the Property and render it unusable by the Petitioners.

3. Use Standards for a Contractor Storage Yard pursuant to Section 20.48.040 (DD):

1. All outdoor storage must comply with the screening requirements of Section 20.60.150 (Screening Requirements).

Petitioner will comply with all screening requirements including perimeter fencing and landscaping including the requirement for a solid wood or wood composite fence at least six feet in height.

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.

Petitioner's building faces Midlothian Road. The building will be used for office purposes and will not involve interior renovations. The building is located at the front of the lot. Due to the

angle and irregular shape of the lot , the outdoor storage is located behind the structure near the rear of parcel 1. Parcel 2 is vacant.

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.

Petitioners' outdoor storage area surface is currently gravel. A portion of the gravel area, including the gravel driveway existed prior to Owner's purchase of the Property and prior to the Property's annexation into the Village of Mundelein. As proposed on the Site Plan, Petitioners plan to install asphalt pavement in the contractor storage yard area for the vehicles used in the Petitioners' business.

4. Any lighting used to illuminate an outdoor storage area shall be directed and shielded so as not to illuminate any adjacent residential areas.

The lighting used to illuminate the outdoor storage area is directed away from nearby residential areas. Petitioners will comply with all lighting requirements.

5. All items stored outdoors must be related to the on-site business and its operations.

All items stored on the Property relate to the Petitioner's landscape business operations.

EXHIBIT B
VILLAGE OF MUNDELEIN
PETITION FOR ZONING VARIATION
SUPPLEMENTAL NARRATIVE STATEMENT
760-780 S. MIDLOTHIAN RD., MUNDELEIN, IL 60060

In response to the comments from the various Village of Mundelein departments, the Petitioners, Mr. and Mrs. Jose and Maria Gonzalez, provide the following supplemental information with respect to their Petition for Zoning Variation filed on August 21, 2024:

Building Department Comments:

Petitioners will work with the building department to bring the building up to code for commercial use.

Public Works & Engineering Department Comments:

Petitioners will comply with all Lake County Watershed Development Ordinance (WDO) requirements regarding the new paved surfaces.

Petitioners are not requesting a variation to keep the newly installed gravel (post 2019) without a permit. The new gravel areas will be paved.

Community Development Department Comments:

Petitioners are not requesting a variation for the new gravel areas. Petitioners will pave the new gravel areas. Per discussion with the Community Development Department, the old gravel driveway areas are grandfathered in.

Petitioners confirm that they do intend to connect to the Village sanitary sewer.

Petitioners confirm that the building will only be used for commercial purposes. The building will not be used for residential purposes. Petitioners have included a floor plan with this supplemental package attached hereto as Schedule 1.

Petitioners have no present plans to use the unused portion of the rear parcel located outside the proposed asphalt parking extension. Petitioners reserve the right in the future to apply for zoning relative to the vacant rear parcel and will comply with all applicable zoning application requirements at that time.

The Petitioners will replace those sections of fencing located around the storage areas that are not at least six feet in height. Please see diagram attached as Schedule 2. Petitioners will comply with all other screening standards for outdoor storage.

SCHEDULE 1 TO SUPPLEMENTAL NARRATIVE

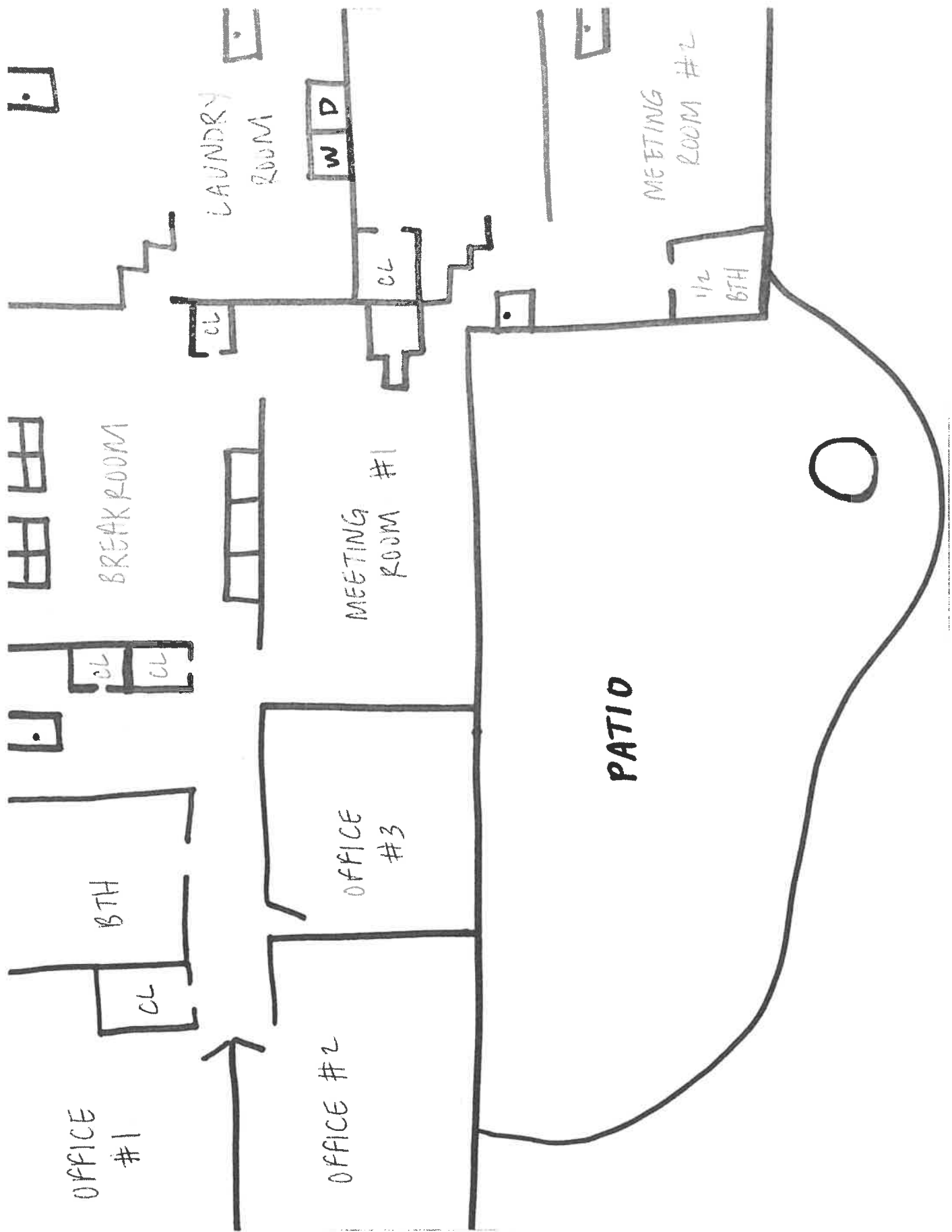
OFFICE FLOOR PLAN

VILLAGE OF MUNDELEIN

PETITION FOR ZONING VARIATION

SUPPLEMENTAL NARRATIVE STATEMENT

760-780 S. MIDLOTHIAN RD., MUNDELEIN, IL 60060



SCHEDULE 2 TO SUPPLEMENTAL NARRATIVE

FENCING REPLACEMENT LOCATION

VILLAGE OF MUNDELEIN

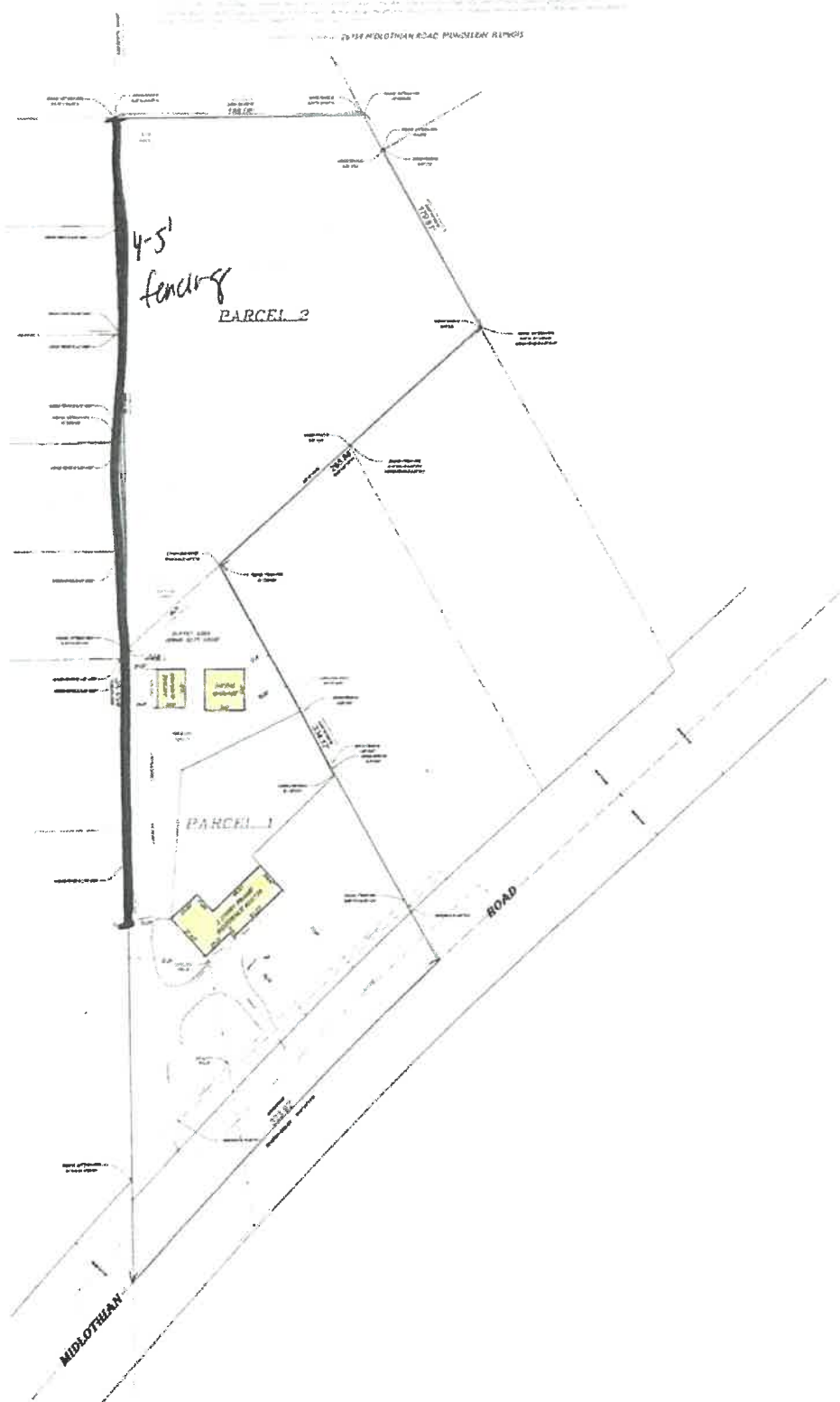
PETITION FOR ZONING VARIATION

SUPPLEMENTAL NARRATIVE STATEMENT

760-780 S. MIDLOTHIAN RD., MUNDELEIN, IL 60060

- 1. Surveyor
- 2. Clerk
- 3. Engineer
- 4. Surveyor
- 5. Surveyor
- 6. Surveyor
- 7. Surveyor
- 8. Surveyor
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Plot of Survey



CASPER SCHUBERT JR
 Surveyor
 Alabama
 License No. 12345
 Commission Expires 12/31/2025

R E DECKER
 Surveyor
 Alabama
 License No. 67890
 Commission Expires 12/31/2025

STATE OF ALABAMA
 COUNTY OF CALHOUN
 R E DECKER, Jr.
 Surveyor
 License No. 67890
 Commission Expires 12/31/2025

VARIANCE APPLICATION
760-780 Midlothian Road, Mundelein, IL 60060

EXHIBIT C
PLAT OF SURVEY

LEGEND	
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R. E. DECKER
(708) 437-0091

R. E. DECKER
(708) 437-0091

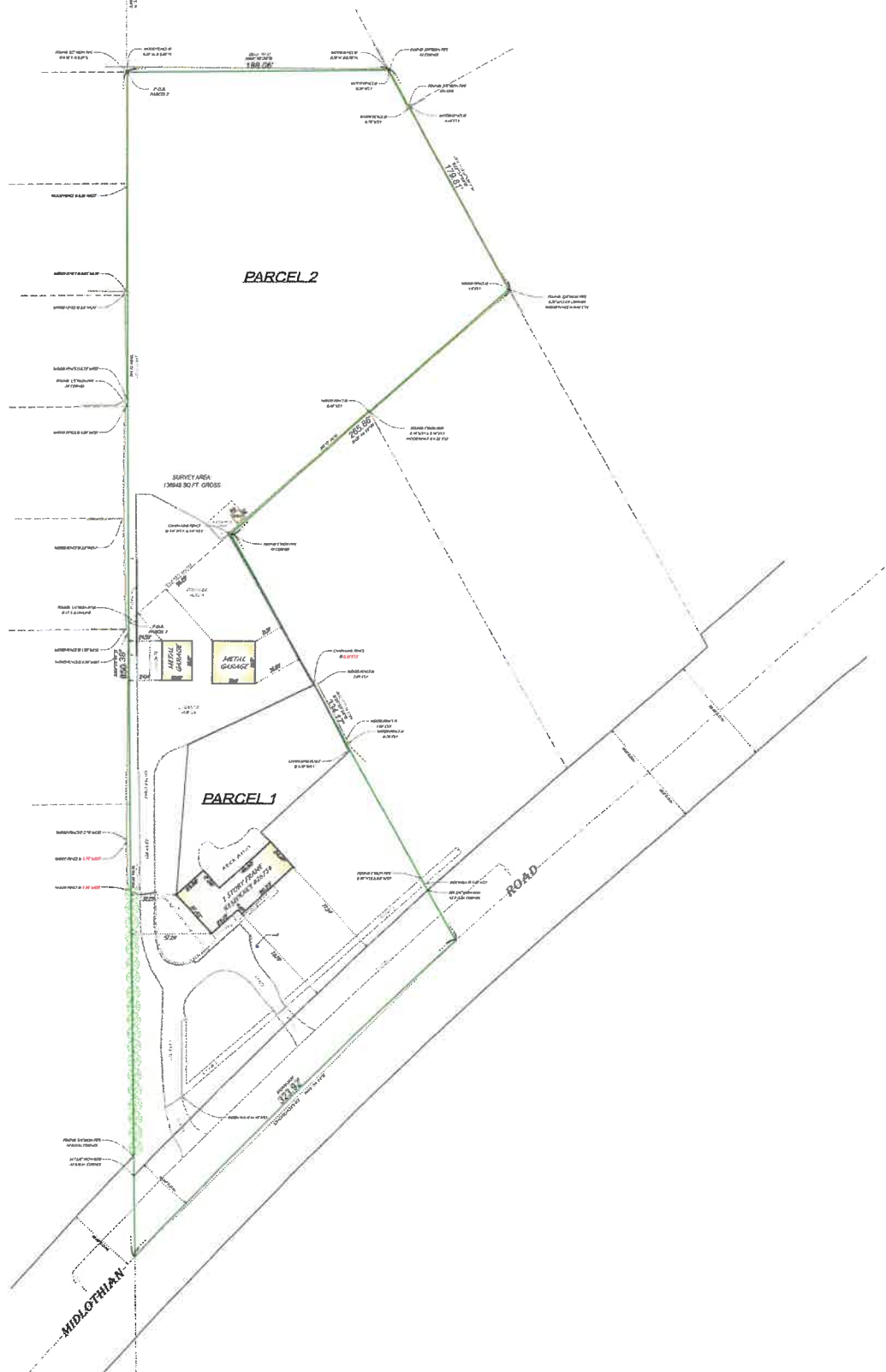
Plat of Survey



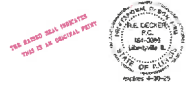
Parcel 1: That part of the Northwest Quarter of the Northwest Quarter of Section 36, Township 44 North, Range 10, East of the Third Principal Meridian, described as follows: Beginning at a point on the West line of said Quarter Section 33.46 feet South of the Northwest corner of said Section 36, thence North 43 degrees, 13 minutes East, 96.3 feet to the most Westerly corner of premises, conveyed by deed recorded as Document 846724, thence South 28 degrees East 335.15 feet 335.15 feet Southwesterly line of premises conveyed by deed, recorded as Document 846754 to the center line of State Route 48, thence Southwesterly along the center line of said Highway, on a curved line convex Northwestwardly to the West line of said Quarter Section, thence North on the West line of said Quarter Section, 455.99 feet, more or less, to the place of beginning, in Lake County, Illinois.

Parcel 2: That part of the Northwest Quarter of the Northwest Quarter of Section 36, Township 44 North, Range 10, East of the Third Principal Meridian, described as follows: Beginning at a point on the West line of said Section 36, 145.02 feet South of the Northwest corner of said Section 36, thence South along said West line, a distance of 334.44 feet to a point that is 535.48 feet South of the Northwest corner, thence North 43 degrees, 13 minutes East, 362.25 feet to an old iron pipe, thence North 28 degrees, 15 minutes West, along a line that intersects the West line of the Southwest Quarter of the Southwest Quarter of Section 25, Township and Range aforesaid, at a point as established by Arthur Zuercher, Hawthorne Heights, Subdivision, now vacated, a distance of 279.88 feet, thence West a distance of 188.03 feet to the point of beginning, in Lake County, Illinois.

Commonly known as 26754 MIDLOTHIAN ROAD, MUNDELEIN, ILLINOIS.



ORDER NUMBER 21-162
ORDERED BY: JSC SONDZEL
DATE: JSC SONDZEL
APPROVED:



R E DECKER
UNIVERSAL LAND SURVEYORS P.C.
333 W. PETERSON RD SUITE B
LIBERTYVILLE, IL 60246
TEL: 847-363-0091
DeckerSurvey@gmail.com
Website: DeckerSurvey.com

Field Work Completed on: 4-2-24
STATE OF ILLINOIS
COUNTY OF LAKE
This Professional service conforms to the current Illinois Minimum Standards for a "Primary Survey."
By: *R. E. Decker*
R. E. DECKER, P.C.
Professional Land Surveyor
Illinois No. 42524
Compare the Description on this Plat with your deed and Title also compare all notes in this Plat before building or other use. If there is any difference in them, the description on this Plat and the deed and Title are correct. Refer to this Plat, Deed, or Building Requirements for additional Documents, Deeds or Descriptions which may exist.

VARIANCE APPLICATION
760-780 Midlothian Road, Mundelein, IL 60060

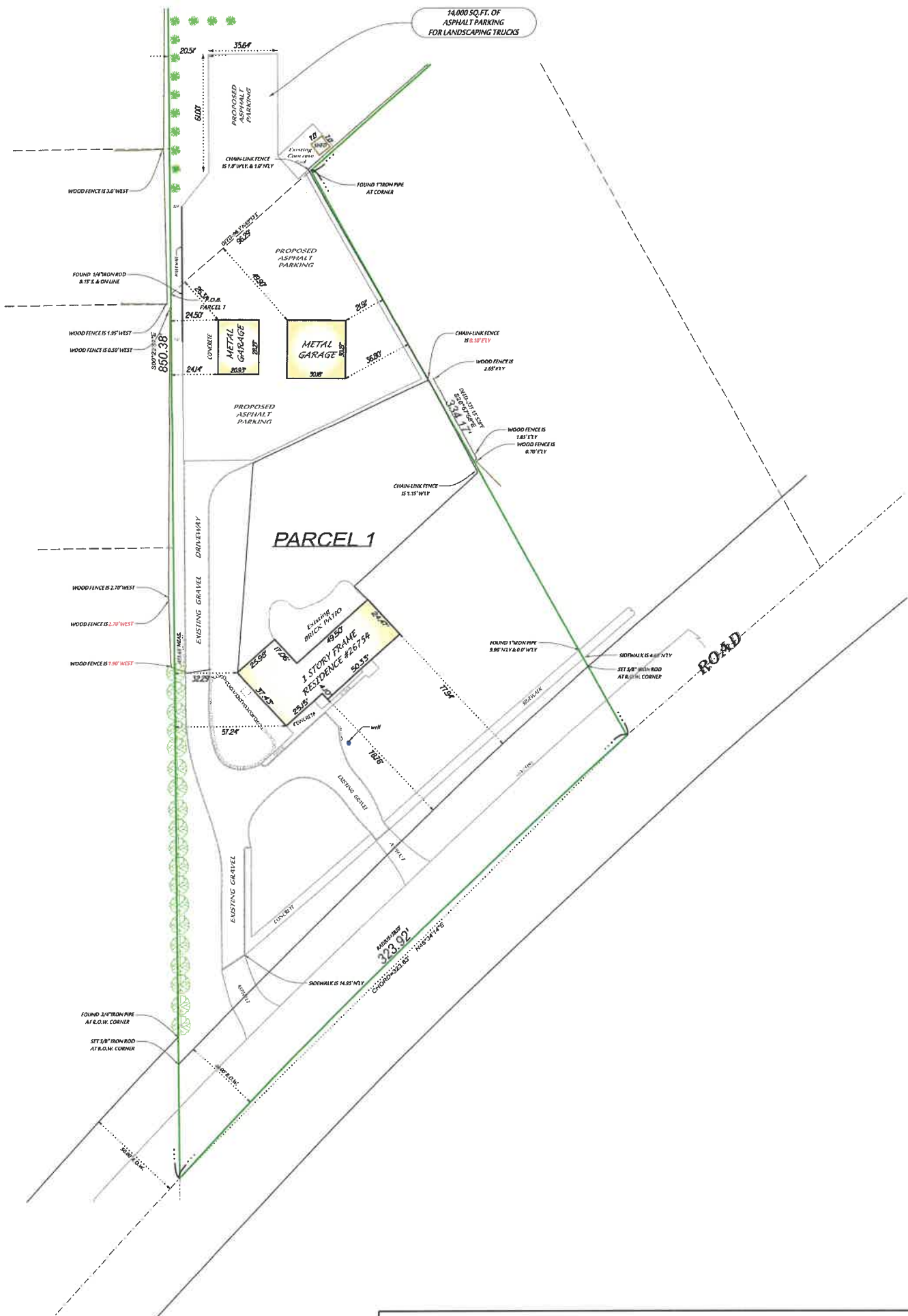
EXHIBIT D
SITE PLAN

Preliminary Site Plan

Parcel 1: That part of the Northwest Quarter of the Northwest Quarter of Section 36, Township 44 North, Range 10, East of the Third Principal Meridian, described as follows: Commencing at a point on the West line of said Quarter Section 535.46 feet South of the Northwest corner of said Section 36, thence North 49 degrees, 13 minutes East, 96.3 feet to the most Westerly corner of premises, conveyed by deed recorded as Document 848754; thence South 28 degrees East 335.15 feet along the Southwesterly line of premises conveyed by deed, recorded as Document 848754 to the center line of State Route 63; thence Southwesterly along the center line of said highway, on a curved line convex Northwesterly to the West line of said Quarter Section; thence North on the West line of said Quarter Section, 455.99 feet, more or less, to the place of beginning, in Lake County, Illinois.

Parcel 2: That part of the Northwest Quarter of the Northwest Quarter of Section 36, Township 44 North, Range 10, East of the Third Principal Meridian, described as follows: beginning at a point on the West line of said Section 36, 141.02 feet South of the Northwest corner of said Section 36; thence South along said West line, a distance of 394.44 feet to a point that is 535.46 feet South of said Northwest corner; thence North 49 degrees, 13 minutes East, 362.25 feet to an old iron pipe; thence North 28 degrees, 35 minutes West, along a line that intersects the West line of the Southwest Quarter of the Southwest Quarter of Section 25, Township and Range aforesaid, at a point as established by Arthur Dunas' Hawthorne Heights Subdivision, now vacated, a distance of 179.86 feet; thence West a distance of 188.03 feet; to the point of beginning, in Lake County, Illinois.

Commonly known as: 26754 MIDLOTHIAN ROAD, MUNDELEIN, ILLINOIS.



Prepared for:
JOSE GONZALEZ
26303 Route 83
Mundelein IL 60060

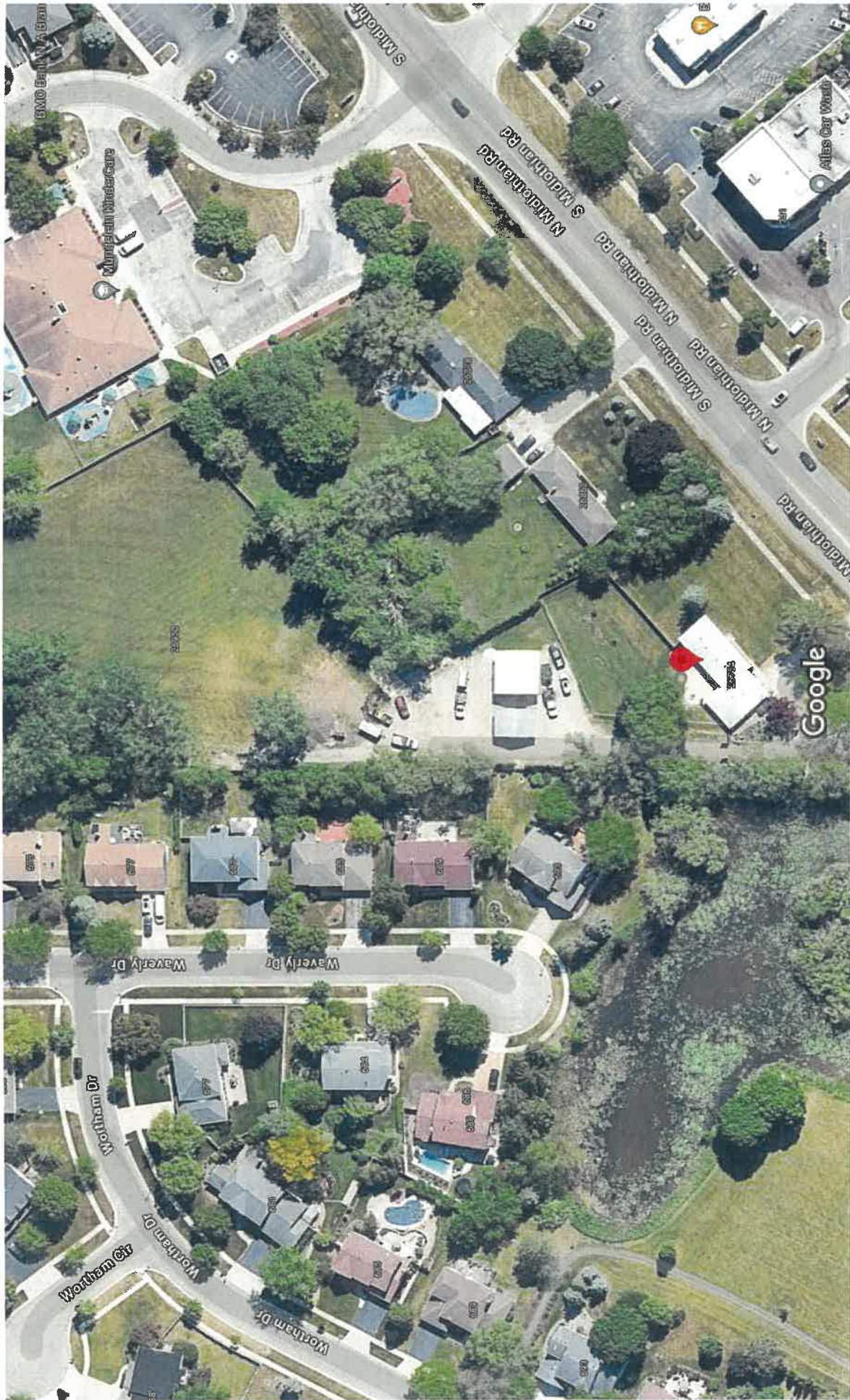
Order Number: 24-165-5
Field Work Completed on: 4-02-24
Date: 4-05-24 issued

Prepared by:
R E DECKER
PROFESSIONAL LAND SURVEYORS PC
114 E COOK AVENUE
LIBERTYVILLE IL 60048
TEL 847-362-0091
DECKERSURVEY@GMAIL.COM



VARIANCE APPLICATION
37540 Route 12, Fox Lake, IL 60020

EXHIBIT E
AERIAL PHOTOGRAPH



VARIANCE APPLICATION
760-780 Midlothian Road, Mundelein, IL 60060

EXHIBIT F
PHOTOGRAPHS OF THE PROPERTY





































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: mlgalante <mlgalante@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

To: Commission Members

From: Isabel Guadarrama, Senior Planner

For: Planning and Zoning Commission Meeting of January 15, 2025

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

Attachments:

1. Location Map - 1126 Magnolia Rd
2. CERTIFICATE OF PUBLICATION
3. Petitioners packet
4. Petitioners original building permit

Background:

Eric Hagen of Craiger Custom Design applied for a building permit on behalf of the property owner, John Carter, for the installation of a freestanding pergola at 1126 Magnolia Road. The proposed pergola measured 9 feet 4 inches by 14 feet 5 inches (134.6 square feet) and was to be installed in the rear yard. The building permit was approved, as the proposal complied with all accessory structure requirements outlined in the Zoning Ordinance.

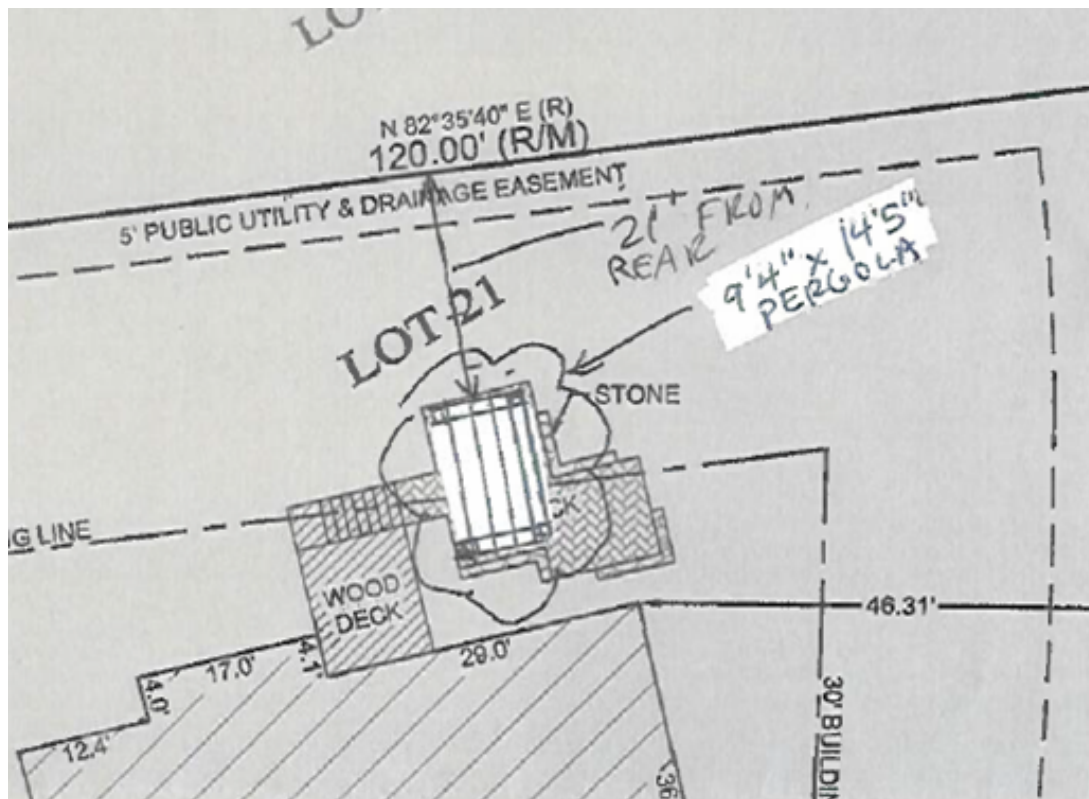


Figure 1 Site Plan for Permit B24-07-137.

The Building Department conducted an inspection of the holes but failed to measure the distance between each one. The inspector only verified that the holes for the posts were deep and wide enough to support the structure. It was assumed that they were following the submitted plans, as no communication regarding changes to the size of the pergola had been forwarded to the Building Department. During the final inspection, it was noted that the installed structure exceeded the approved dimensions. The pergola's actual size surpassed the permitted maximum square footage of 144 square feet as specified by the code. The petitioner explained that they were unaware of the Village's maximum square footage limit for pergolas. No demonstrated hardship was associated with the variance request; the property owner's only intent was to align the pergola with the edge of the existing patio. The petitioner measured the new dimensions to be 10 feet 7 inches by 15 feet 2 inches, with an additional 18 inches of overhang on all four sides, calculating a total area of 209 square feet.

Variation Requested

Section 20.52.050(A)(9) of the Zoning Ordinance stipulates that accessory structures on residential lots must not exceed 144 square feet in floor area, with the exception of decks and patios. For pergolas, the floor area refers to the space beneath the roof. The applicant is requesting a variance from this section to allow the installation of a 209-square-foot pergola in the rear yard of 1126 Magnolia Road. Detailed responses to each criterion under the Variance standards were not submitted, as the applicant did not identify a hardship. The owner asked the contractor, also the petitioner of this variance, to align the pergola with the edge of the existing patio.

Staff Comments

No comments were received by Staff at the time of this report.

Public Comments

No public comments were received by Staff at the time of this report.

Comprehensive Plan

The Comprehensive Plan encourages homeowner investment and improvements while preserving the character of existing single-family residential neighborhoods of the Village. The Comprehensive Plan does not specifically address accessory structures in residential yards.

Analysis

The petitioner has not demonstrated a hardship or unique circumstance specific to the subject property. The petitioner is following the request of the property owner to build a pergola that fits the square footage of the patio. A review of nearby lots within 500 feet of the property revealed no other properties with larger accessory structures in their rear yards. There was also a lack of pergolas in the neighborhood. However, the larger pergola, if approved, would not increase the impervious surface, as it is being built over an existing patio.

The Village has placed a maximum square footage on all accessory structures for several reasons, such as maintaining the character of neighborhoods and preventing overbuilding. Large structures can alter the aesthetic appeal of a neighborhood, disrupt visual harmony, and lead to overcrowded lots. Larger structures can also impact water drainage and runoff, so it is important for the Village to manage stormwater and reduce the risk of flooding or erosion. Limiting the size of accessory structures also ensures that the primary residential use remains dominant.

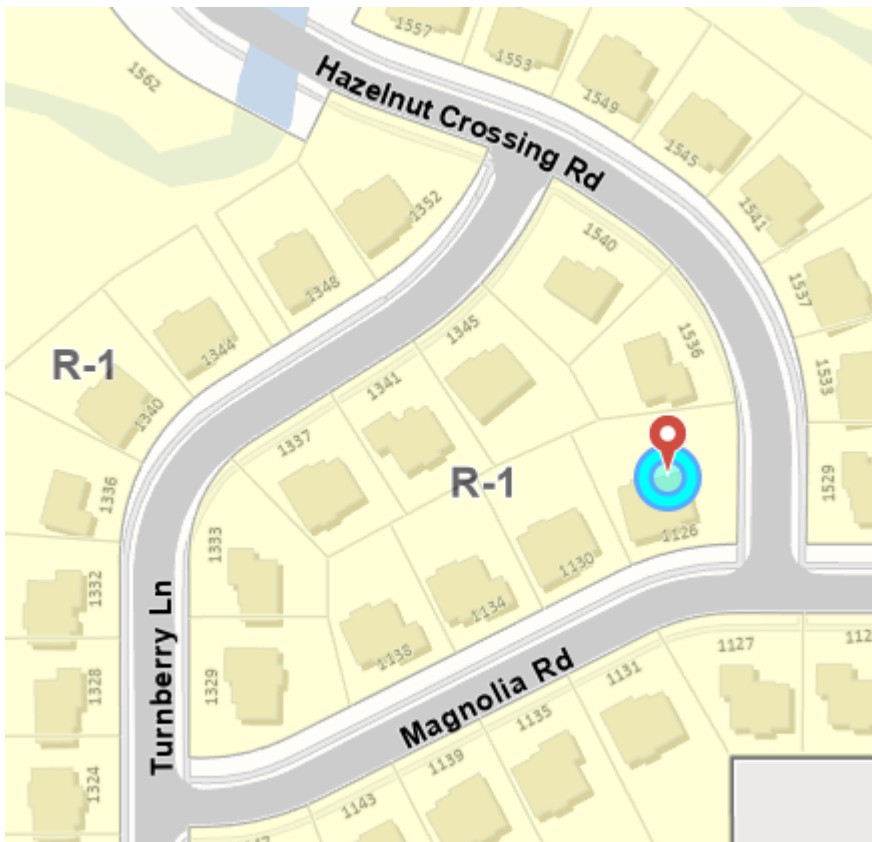
Based on several contractors, a 12x12 pergola can accommodate outdoor dining and moderate gatherings. Anything 12'x16' and larger can accommodate large gatherings through couches and swings.

Staff is not in favor of the variation request due to the Petitioner not able to demonstrate a zoning hardship or uniqueness to the circumstance on the Subject Property. Approving this request could set a precedent that others may interpret as an opportunity to pursue similar projects, potentially bypassing the approval standards for variations, as long as they follow the public hearing process. This could result in situations where decisions are made based on following rules rather than clear, valid reasons for approval.

Recommendation:

Motion to recommend **approval/denial** of a variation from **Section 20.52.050(A)(9)** to allow a 209-square-foot 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.

Location Map: 1126 Magnolia Road



Legend:

 Subject Property

NOTICE OF HEARING BEFORE THE
VILLAGE OF MUNDELEIN
PLANNING & ZONING COMMISSION
NOTICE IS HEREBY GIVEN that on January 15,
2025, at the hour of 7:00 p.m., there will be a public
hearing before the Village of Mundelein Planning and
Zoning Commission at the Mundelein Village Hall, 300
Plaza Circle, Mundelein, Illinois, concerning a petition
by Eric Hagen of Craiger Custom Design on behalf of
the property owner, John Carter. The petition requests
a Variance 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 R1 Single-
Family Residential zoning district **1126 Magnolia
Road**, Mundelein, IL (PIN 10-13-311-010), in accor-
dance with the application on file with the Village of
Mundelein.
If you cannot attend the meeting in-person and you
wish to submit a question or comment to be provided
to the Planning and Zoning Commission, please email
your full name and your question or comment to plan-
ning@mundelein.org. Please put "Public Commentary"
in the subject line. Comments received during the
meeting, but after the public commentary portion has
ended, will be provided to the Commission Members
after the meeting.
CASE NO.: PZC-19-2024
The name and address of the legal and/or beneficial
Owner of the subject property:
John Carter
1126 Magnolia Road
Mundelein, IL
The name and address of the Petitioner:
Craiger Custom Design c/o Eric Hagen
2510 Rt. 176, Unit D
Crystal Lake, Illinois 60014
This Notice is an invitation to all interested persons to
submit oral or written testimony or other evidence
concerning the above case to the Village of Mundelein
Planning and Zoning Commission to plan-
ning@mundelein.org. Comments received by 5:00 p.m.
CT on January 8, 2025, will be included in the meeting
agenda packet. Comments received after this date will
be provided to the Commissioners on the day of the
public hearing. Persons with questions are encouraged
to call the Village of Mundelein at (847) 949 3282.
The Planning and Zoning Commission's actions are not
final for this case. The Planning and Zoning Commis-
sion will forward its findings and recommendations to
the Village Board of Trustees for final consideration
and action.
Dated at Mundelein, Illinois, this 23rd day of December 2024.
Terry Roswick /s/
Chairman
Planning and Zoning Commission
Published in Daily Herald Dec. 24, 2024 (273570)

CERTIFICATE OF PUBLICATION

Paddock Publications, Inc.

Lake County
Daily Herald

Corporation organized and existing under and by virtue of the laws of
the State of Illinois, DOES HEREBY CERTIFY that it is the publisher
of the **Lake County DAILY HERALD**. That said **Lake County
DAILY HERALD** is a secular newspaper, published in Libertyville, Lake
County, State of Illinois, and has been in general circulation daily throughout
Lake County, continuously for more than 50 weeks prior to the first Publication
of the attached notice, and a newspaper as defined by 715 ILCS 5/5.

I further certify that the **Lake County DAILY HERALD** is a newspaper
as defined in "an Act to revise the law in relation to notices" as amended
in 1992 Illinois Compiled Statutes, Chapter 715, Act 5, Section 1 and 5.
That a notice of which the annexed printed slip is a true copy,
was published 12/24/2024
in said **Lake County DAILY HERALD**. This notice was also placed on a
statewide public notice website as required by 5 ILCS 5/2.1.

BY *Danula Baltz*
Designee of the Publisher of the Daily Herald

Control # 273570 *LAKE*



INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

PROPERTY INFORMATION

Address 1126 Magnolia

Property Index Numbers (PIN) 1013311010

Size of Property 14.8760 (sq. ft./acres)

Size of Building Space _____ (sq. ft.)

Size of Space Utilized _____

ZONING

Current Zoning _____

Proposed Zoning _____

Current Use _____

Proposed Use _____

PETITIONER INFORMATION

Business/Org. Name Craiger Custom Design

Name Eric Hagen

Title V.P.

Address 2510 Rt 176 Unit D

City, State, Zip Crystal Lake IL 60014

Phone 815-479-9660

Email eric.craigercustomdesign.com

Petitioner Status: ☐ Owner ☐ Lessee ☐ Contract Purchaser

PROPERTY OWNER INFORMATION

Business/Org. Name _____

Name John Carter

Title _____

Address 1126 Magnolia Rd

City, State, Zip Mundelein IL

Phone 984-202-9232

Email jcarter0758@gmail.com

SECTION OF ZONING ORDINANCE: 20.52.010

DESCRIPTION OF PROPOSED ZONING VARIATION (Attach additional pages, if necessary)

PERGOLA BUILT OVER EXISTING PAVER
PATIO. ORIGINAL PLAN HAD POSTS
9'4" x 14'5". SITE CONDITIONS
DICTATED NEW POST PLACEMENT
TO PUT POSTS AT PATIO CORNERS.
MAKING POSTS 10'7" x 15'2", EXCEEDING
THE ALLOWABLE 144 SF PER ZONING.

AFFIDAVIT OF OWNERSHIP AND AUTHORIZATION

COUNTY OF LAKE)
)
STATE OF ILLINOIS)

I, John Carter, under oath, state that I am

X the sole)
_____ an) owner of the property
_____ an authorized officer of the)

commonly described as (Address) 126 MAGNOLIA RD. and that such property is owned by

(Printed Name) JOHN CARTER as of this date. As owner of the property, I do

hereby authorize ERIC HAGEN OF CRAIGER CUSTOM DESIGN (Printed Name or Not Applicable) to represent me in the following

Planning and Zoning Commission/Village Board matter, APPLYING FOR
VARIANCE FOR NEW PERGOLA (Action).

[Signature]
Signature

Subscribed and sworn to before me

this 18 day of October, 2024.

[Signature]
Notary Public Signature



SITE VISIT AUTHORIZATION

I hereby grant employees of the Village of Mundelein, their agents, and members of the Mundelein Planning and Zoning Commission permission to enter on the property located at the following address:

(Address) 1126 MAGNOLIA RD

Visual inspection of the site shall be accomplished during reasonable hours to examine only those portions of the property relating to this application. This permission is granted in regards to the Mundelein Planning and Zoning Commission Petition for the above-cited property.

**If Owner or if Owner is a
Corporation or Partnership:**

 10/18/24
Signature of Owner Date

By _____

Title/Full Corporate Name

If Contract Purchaser:

Signature of Contract Purchaser Date

By _____

Title/Full Corporate Name

If Lessee (Corporate or Partnership):

Signature of Lessee Date

By _____

Title/Full Corporate Name

REQUIRED SIGNATURES

The undersigned states under oath that he/she/they are the **Legal Owner(s)** of record of the realty described in this Planning and Zoning Commission Application, and the statements that he/she/they made in the foregoing application are true in substance and in fact.

Signature (Owner):  Date: 10/18/24
Printed Name: John Carter Title: _____

Signature (Owner): _____ Date: _____
Printed Name: _____ Title: _____

The undersigned states under oath that he/she/they are the **Contract Purchaser** of record of the realty described in this Planning and Zoning Commission Application, and the statements that he/she/they made in the foregoing application are true in substance and in fact.

Signature Contract Purchaser: _____ Date: _____
Printed Name: _____ Title: _____

The undersigned states under oath that he/she/they are the **Lessee** of record of the realty described in this Planning and Zoning Commission Application, and the statements that he/she/they made in the foregoing application are true in substance and in fact.

Signature Lessee: _____ Date: _____
Printed Name: _____ Title: _____

Transmittal



2510 IL Route 176, Unit D
Crystal Lake, IL 60014
(815)479-9660

To: Mundelein Building Dept

From: Eric Hagen

Date: 12/3/24

Regarding: Variance Application
1126 Magnolia Rd

Comments:

We need to apply for a variance for the pergola we built at 1126 Magnolia Rd.

Our submitted permit drawings showed the post dimensions 9'4" x 14'5" (134SF)

It was approved at this size.

Site conditions were different than the plans we received and the posts were spread out to go over the existing patio and not rest in the middle of a pathway.

There was a pre-pour/post hole inspection done with the new post placements @ 10'7" x 15'2". (160SF)

Pier placement must not have been verified during that inspection. The inspection was APPROVED.

We built and installed the pergola with the new post placement.

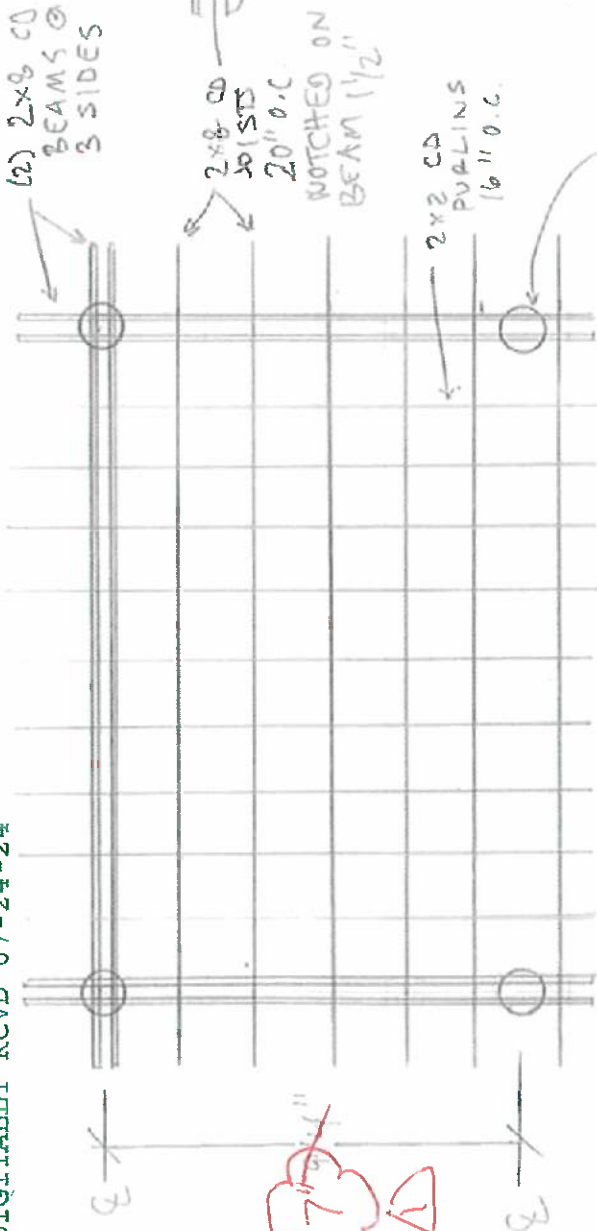
During final inspection, we were told the pergola was too large and over the allowed 144SF allowed for 'accessory structures'.

I asked if we moved the posts in 14" to meet the 144SF requirement if it would work, and was told that it would still not pass. I was told at that time that it was the overall top that needed to be less than 144SF.

The top on the SUBMITTED AND APPROVED permit drawings with 18" overhang at all 3 sides would be 209SF. So to be told this after it was approved and built is confusing.

We need clarification on what part of the pergola is considered square footage. There are no walls or solid roof. Technically there is no "square footage" its just 4 posts in the ground.

VILLAGE OF MUNDELEIN
BUILDING DEPARTMENT
APPROVED AS NOTED
BY: G Sillas
DATE: 8/1/24



PLAN VIEW

SIDE VIEW

18" OVER-HANG
ALL 4 SIDES

6x6 CD POST

12" x 42" D CONC PIER
- SIMPSON CB662 BRACKET
- 6x6 CD POST

2x2 CD PURLINS 16" O.C.

2x8 CD JOIST NOTCHED ON BEAMS 1-1/2"

7'6" BOTTOM OF BEAM

(2) 2x8 CD BEAMS NOTCHED ON POST WITH (2) 4" LAG SCREWS

SIMPSON CB662
POURED IN CONCRETE

6x6 CD POST

FRONT VIEW/SECTION

OUR STAMP ON THIS PLAN DOES NOT RELIEVE THE BUILDER FROM COMPLYING WITH VILLAGE OF MUNDELEIN BUILDING AND ZONING ORDINANCE REQUIREMENTS AND APPLICABLE CODES

CD = ROUGH SAWN
"CLEAN & BRIGHT"
WESTERN RED CEDAR

CARTER RESIDENCE			
1126 Magnolia Rd Mundelein Illinois 60060			
DATE: 7/16/24	APPROVED BY:	DRAWN BY: EH	DRAWING #: 1
REVISED: 12/3/24		SCALE: 1/4" = 1'	
CRAIGER CUSTOM DESIGN			
2510 Route 176, Unit D, Crystal Lake IL 60014			
815-479-9660			



1126 MAGNOLIA RD



(3) POSTS & PATIO CORNERS
(1) SET IN PATIO.

1126 MAGNOLIA RD



1126 MAGNOLIA RD



1126 MAONOLIA RD



Building Department

300 Plaza Circle · Mundelein, IL 60060

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

PERMIT NO. **B24-07-137**

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: _____

MINOR PROJECTS:

✓		Qty.
	Accessory Structure Demolition	
X	Accessory Structure, No Electric	1
	Air Conditioning Replacement	
	Concrete/Brick Sidewalk	
	Drainage Pipe for Downspouts	
	Driveway Resurface	

✓		Qty.
	Fence	
	Furnace Replacement	
	Re-Roof, Single Family	
	Re-Roof, Townhome	
	Re-Side	
	Satellite Dish (over 36")	

✓		Qty.
	Sewer Repair	
	Water Repair	
	Storable Pools	
	Water Heater Replacement	
	Window/Door Replacement	
	Other:	

PLEASE NOTE: Re-Roof Single Family, Re-Roof Townhome, Residing, and Window / Door Replacement Must be applied for online at <https://mundelein.org/405/Registration-Licensing-Permitting>.

STANDARD PROJECTS:

✓		Qty.
	Accessory Structure, With Electric	
	Air Conditioning (New)	
	Concrete/Brick Patio	
	Demolition, Primary Structure	
	Deck	
	Detached Garage	
	Driveway, New	
	Electrical Service Upgrade	

✓		Qty.
	Electric, Miscellaneous	
	Fire Alarm	
	Fire Pump	
	Fire Sprinkler	
	Fireplace New	
	Hood and Duct System	
	New Parking Lot	

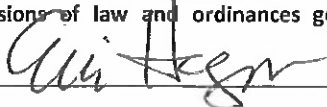
✓		Qty.
	Roof Top Furnace or Air Conditioner	
	Re-Roof, Multi-Family	
	Re-Roof, Commercial	
	Solar Installation, Residential	
	Swimming Pool, Above Ground with Electric	
	Window/Door, New	
	Other:	

NOTICE: The Village of Mundelein requires all contractors and subcontractors to be licensed under Section 5.08.110 of the Village of Mundelein Code.

- 1) This permit application expires if a permit is not obtained within six (6) months after it has been submitted and accepted by the Village as complete.
- 2) Request for Certificate of Occupancy must be made 24 hours in advance and only after passing final building, fire, engineering inspections.

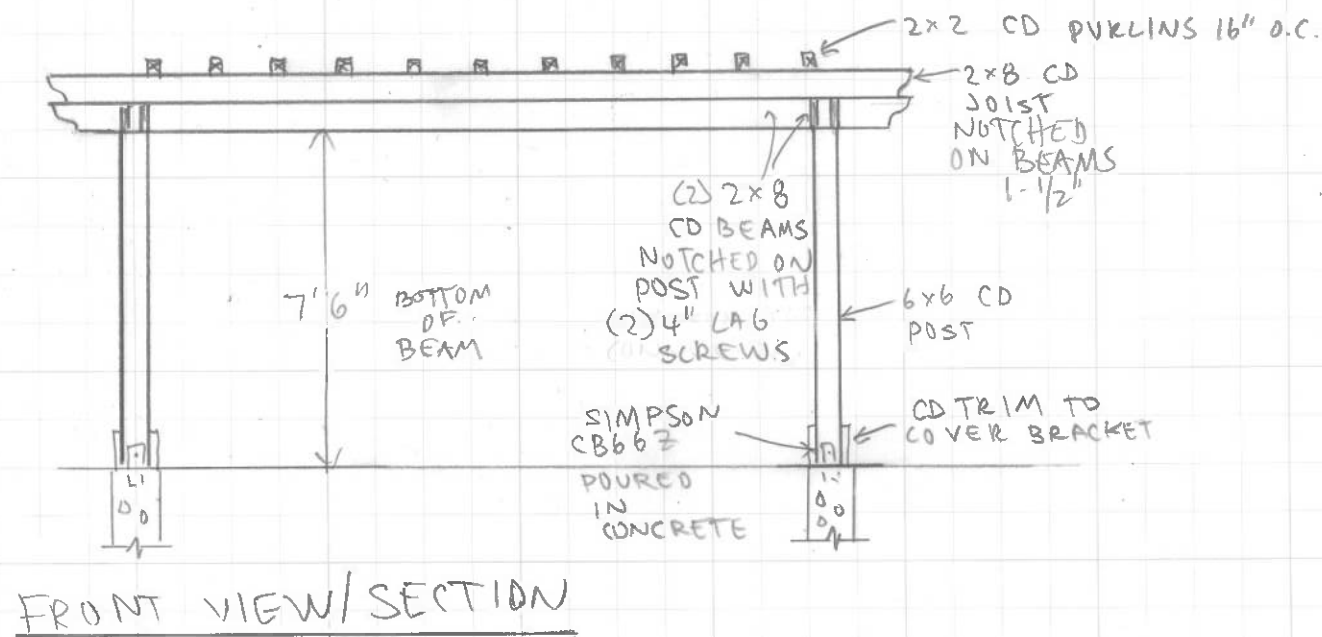
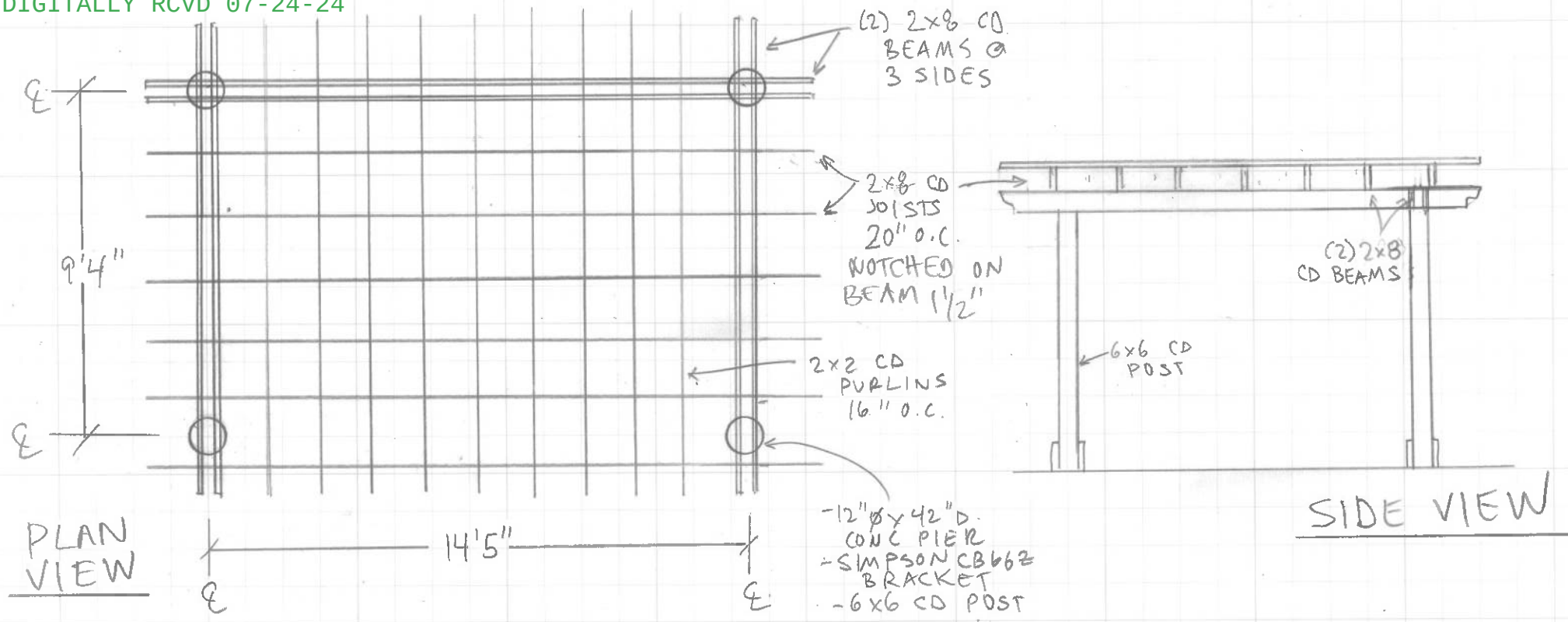
Notice to Property Owner: You may also be subject to additional covenants and restrictions impacting your property that may be more restrictive than the Village's Municipal Code regulations (which may be the case if you are part of a Homeowners Association or Property Owners Association). The Village's issuance of a building permit is not a guarantee that your proposed work/project conforms to said additional regulations. It is your responsibility, as the property owner, to determine whether your property is subject to additional rules and regulations recorded against your property.

I hereby certify that the owner of record authorizes the proposed work and that I have been authorized by the owner to make this application. All provisions of law and ordinances governing this work will be compiled with, whether specified herein or not.

Signature: 

Date: 07/22/2024

Print Name: Eric Hagen



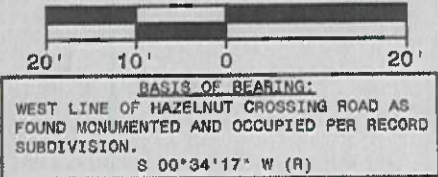
CD = ROUGH SAWN
"CLEAN & BRIGHT"
WESTERN RED CEDAR

CARTER RESIDENCE		
1126 Magnolia Rd Mundelein Illinois 60060		
DATE: 7/16/24	APPROVED BY:	DRAWN BY: EH
REVISED:		SCALE: 1/4" = 1'
CRAIGER CUSTOM DESIGN		DRAWING #:
2510 Route 176, Unit D, Crystal Lake IL 60014		1
815-479-9660		

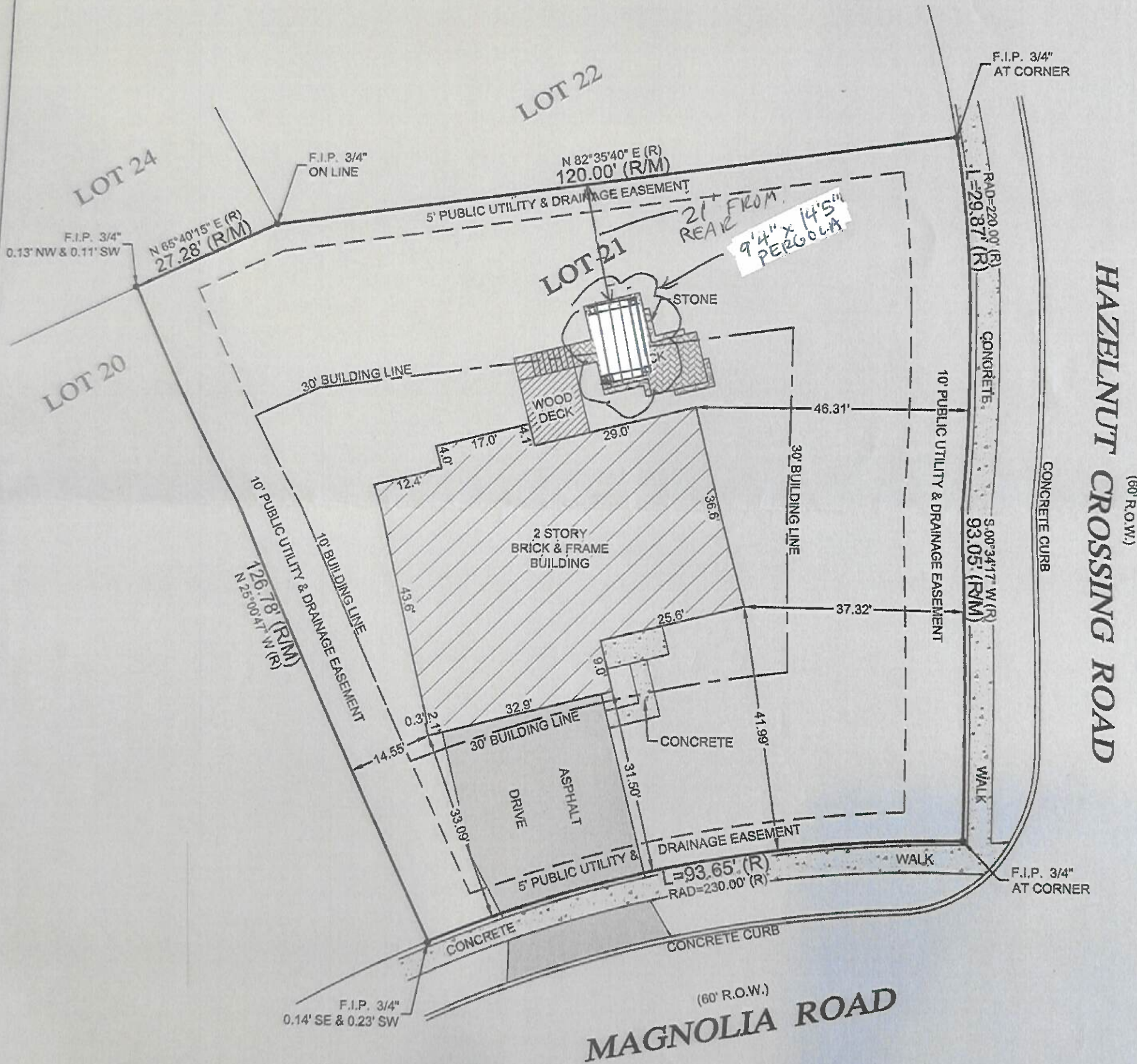
PLAT OF SURVEY
OF

LOT 21, IN HAMPTON RESERVE, BEING A SUBDIVISION OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 13, TOWNSHIP 44 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED OCTOBER 29, 2004 AS DOCUMENT 5672835, IN THE VILLAGE OF MUNDELEIN, LAKE COUNTY, ILLINOIS.

LEGEND	
A = ASSUMED	NW = NORTHWEST
C = CALCULATED	P.O.B. = POINT OF BEGINNING
CH = CHORD	P.O.C. = POINT OF COMMENCEMENT
CL = CENTERLINE	R = RECORD
D = DEED	RAD = RADIUS
E = EAST	R.O.W. = RIGHT OF WAY
F.I.P. = FOUND IRON PIPE	S = SOUTH
F.I.R. = FOUND IRON ROD	S.I.P. = SET IRON PIPE
FT. = FEET/FOOT	S.I.R. = SET IRON ROD
L = ARC LENGTH	SE = SOUTHEAST
M = MEASURED	SW = SOUTHWEST
N = NORTH	W = WEST
NE = NORTHEAST	
CHAIN LINK FENCE	
WOOD FENCE	
METAL FENCE	
VINYL FENCE	
EASEMENT LINE	
SETBACK LINE	
INTERIOR LOT LINE	



AREA OF SURVEY:
CONTAINING 14,870 SQ. FT. OR 0.34 ACRES MORE OR LESS



Morris Engineering, Inc.
515 Warrenville Road, Lisle, IL 60532
Phone: (630) 271-0770
FAX: (630) 271-0774
WEBSITE: WWW.ECIVIL.COM

STATE OF ILLINOIS)ss
COUNTY OF DUPAGE)
I, THE UNDERSIGNED, AN ILLINOIS PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT "THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY," AND THAT THE PLAT HEREON DRAWN IS A CORRECT REPRESENTATION OF SAID SURVEY.
DATED, THIS 29TH DAY OF MAY, A.D. 2020, AT Lisle, ILLINOIS.



ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 035-3253
LICENSE EXPIRATION DATE NOVEMBER 30, 2020
ILLINOIS BUSINESS REGISTRATION NO. 184-00245

- NOTE:
1. ALL TIES SHOWN ON THIS SURVEY ARE MEASURED TO THE BUILDING'S SIDING (BRICK, FRAME, STUCCO, METAL, ETC.) AND NOT TO THE FOUNDATION, UNLESS NOTED OTHERWISE.
 2. ROOF LINES AND OVERHANGS ARE TYPICALLY NOT SHOWN HEREON.
 3. COMPARE ALL DISTANCES AND POINTS IN FIELD AND REPORT ANY DISCREPANCIES TO SURVEYOR AT ONCE.
 4. NO DIMENSIONS SHALL BE ASSUMED BY SCALING.

ADDRESS COMMONLY KNOWN AS 1126 MAGNOLIA ROAD
MUNDELEIN, ILLINOIS
CLIENT MORREALE BRADY MALONE & CWIK, P.C.
FIELDWORK DATE (CREW) 05/28/2020 (MM/DL)
DRAWN BY: RE S. DEWITT

To: Commission Members

From: Jessica Marvin, Associate Planner

For: Planning and Zoning Commission Meeting of January 15, 2025

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

Attachments:

1. Property Location Map
2. Certificate of Publication
3. Petitioner's Packet

Background:

The building at 1464 S. Butterfield Road was constructed in 1987 and is within the Butterfield Corners Subdivision. This is a multi-tenant building, current tenants including 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.

In 2018, the Village Board reviewed and approved an ordinance amending Ordinance No. 86-7-29, Ordinance No. 86-10-35, and Ordinance No. 87-9-29. The Merlin Muffler Company Service Center ceased operations and was vacant. The property owner informed the Village that Motus Incorporated was going to lease the vacant space, which is substantially similar to the Merlin Muffler Company Service Center.

Motus is categorized as Motor Vehicle Service and Repair, Minor, which is defined as an establishment involved in minor repairs to motor vehicles, including 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 also repair engines.

Matter for Consideration

Since 2024, it has been observed that Motus has been storing vehicles on-site for longer than 72

hours, which is not permitted. Long-term parking was not approved previously and was not required or by prior users.

Variation Requested

Section 20.48.040(AA) limits the number of days a vehicle can be stored on site to 72 hours. The petitioner proposes to increase the maximum time from 72 hours to 21 days due to lead time for parts before service can begin or be completed, scheduling and resource constraints, clients dropping off their vehicles after hours or having their inoperable vehicles towed at all times of the day, and customer delays in picking up their vehicles after service completion. The petitioner has identified four locations in the parking lot for the overnight storage of these vehicles (Figure 1).

Neighboring Properties:

North: C-2, Mini-Warehouse (Metro Self Storage)

South: C-2, Motor Vehicle Service and Repair, Minor (Jiffy Lube)

East: Vernon Hills Office, Research & Development Buildings

West: C-3, Contractor Storage Yard and Retail Goods Establishment (James Martin Associates and Robert Schwake Stone) and railroad

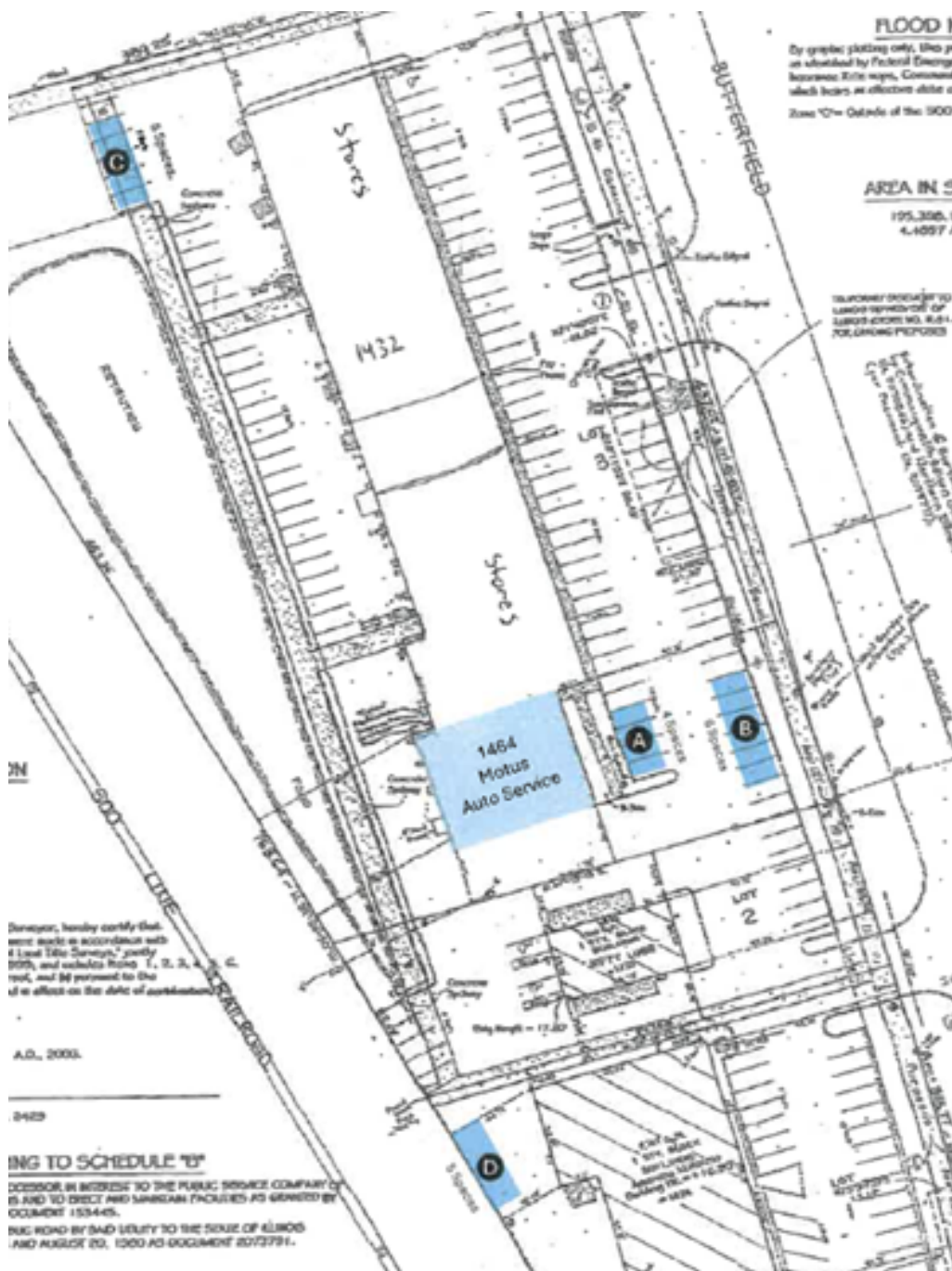


Figure 1. A map showing the four locations for the overnight storage of 20 vehicles (A-D).

Requested

A variation from Section 20.48.040(AA) regarding the maximum time vehicles can be stored on-site from 72 hours to 21 days.

Use Standards

Below are the Use Standards relevant to Motor Vehicle Service and Repair, Minor at the subject property:

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-two hours. 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 safety and 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 a residential use, the facility must install an opaque fence at least six feet high on the property line to buffer the residential use.
4. Minor motor vehicle service and repair shops may also include gas stations as an accessory use. All gas stations 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.

Staff Comments

No comments were received by staff.

Public Commentary

No comments were received by staff.

Comprehensive Plan

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

Analysis

The Commission should utilize the standards for granting a variation in making its determination. The following information is provided for consideration.

Parking: Staff recommends the PZC discuss the number of parking spaces used for each purpose 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, rather than in front of the building. Short-term (72 hours) on-site storage is permitted in front of the building.

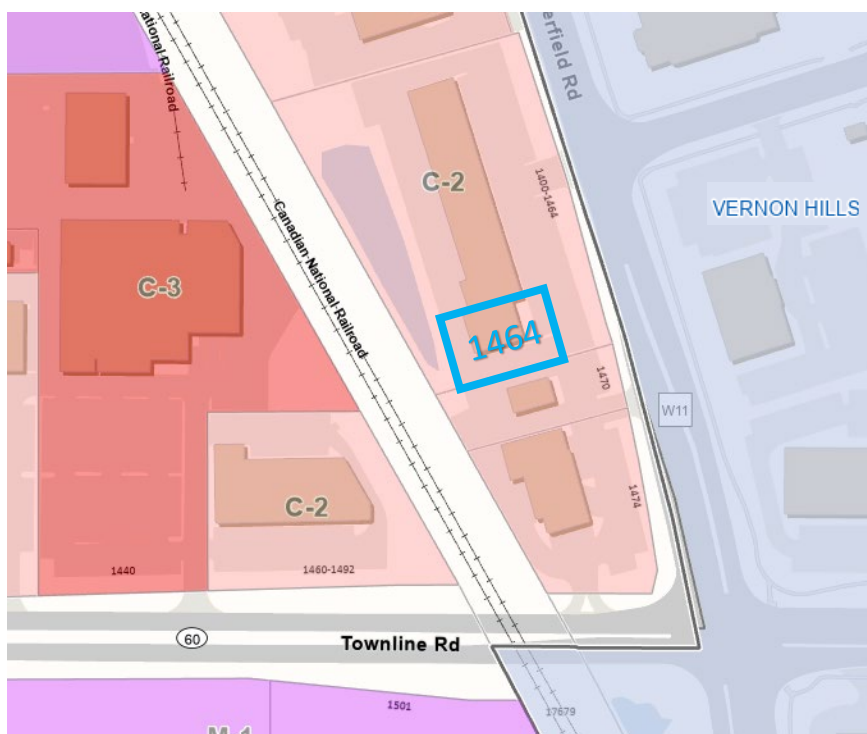
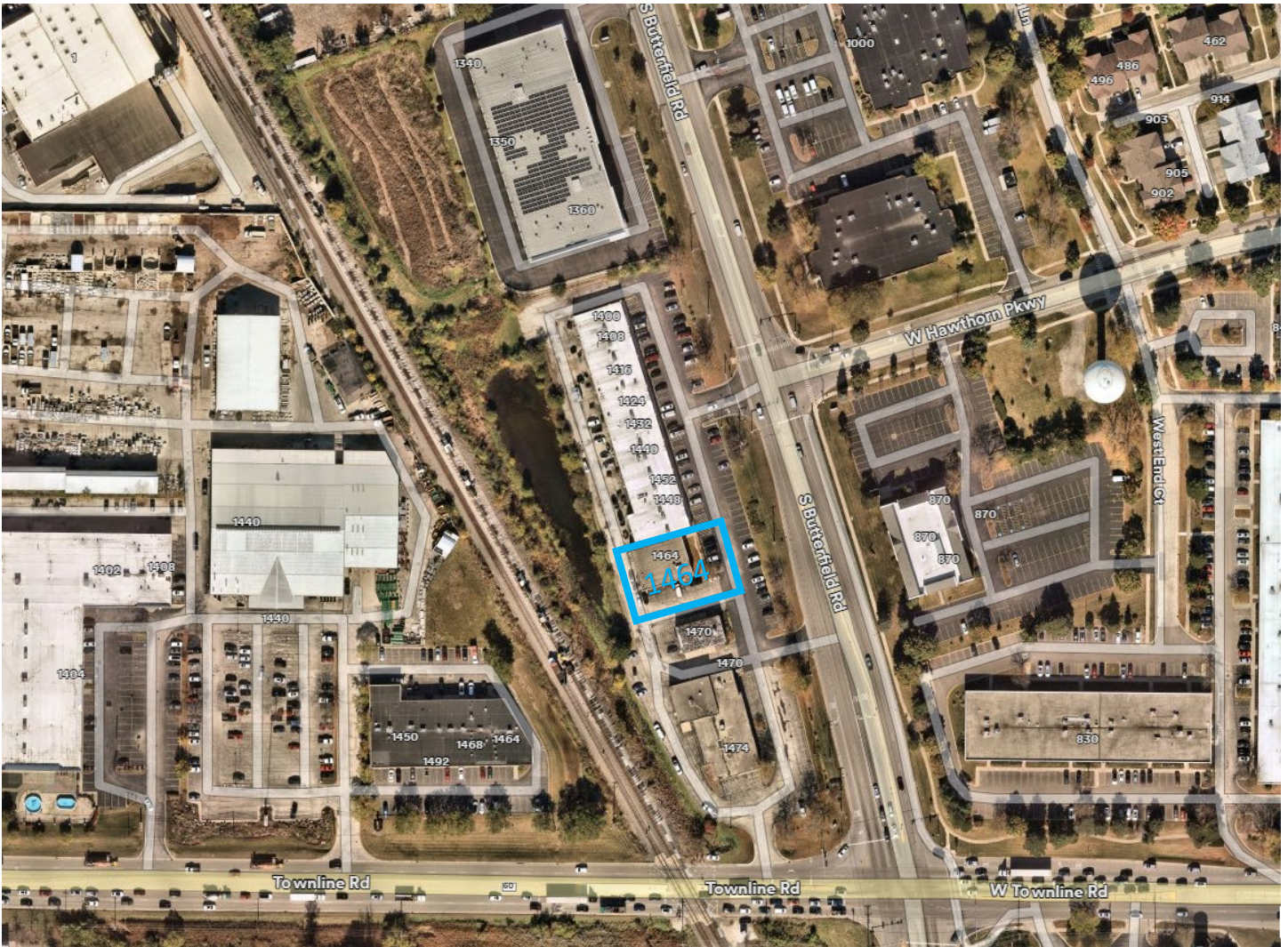
The PZC should consider determining the number of spaces the petitioner needs to provide sufficient long-term storage for their business.

Recommendation:

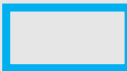
Motion to recommend **approval/denial** of a variation to **Section 20.48.040(AA)** allowing vehicles to be stored on-site for a maximum of 21 days at 1464 S. Butterfield Road.

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

Location Map: 1464 S Butterfield Road



Legend:

 : Proposed Property

NOTICE OF HEARING BEFORE THE
VILLAGE OF MUNDELEIN
PLANNING & ZONING COMMISSION
NOTICE IS HEREBY GIVEN that on January 15,
2025, at the hour of 7:00 p.m., there will be a public
hearing before the Village of Mundelein Planning and
Zoning Commission at the Mundelein Village Hall, 300
Plaza Circle, Mundelein, Illinois, concerning a petition
by Luis Leon requesting a variation from Section
20.48.040(AA) regarding the maximum time vehicles
can be stored on-site in the C-2 General Commercial
Zoning District at 1464 S Butterfield Road, Mundelein,
Illinois, in accordance with the applications on file
with the Village of Mundelein.
If you cannot attend the meeting in-person and you
wish to submit a question or comment to be provided
to the Planning and Zoning Commission, please email
your full name and your question or comment to plan-
ning@mundelein.org. Please put "Public Commentary"
in the subject line. Comments received during the
meeting, but after the public commentary portion has
ended, will be provided to the Commission Members
after the meeting.
CASE NO.: PZC-20-2024
The name and address of the legal and/or beneficial
Owner the subject property:
Paul Bortin
On behalf of Butterfield Corners LLC
2506 N Clark St STE 370
Chicago, IL 60614
The name and address of the Petitioner:
Luis Leon
On behalf of Motus, Inc dba Motus Auto Services
1464 S Butterfield Road
Mundelein, IL 60060
This Notice is an invitation to all interested persons to
submit oral or written testimony or other evidence
concerning the above case to the Village of Mundelein
Planning and Zoning Commission to plan-
ning@mundelein.org. Comments received by 5:00p.m.
CT on January 8, 2025 will be included in the meeting
agenda packet. Comments received after this date will
be provided to the Commissioners on the day of the
public hearing. Persons with questions are encouraged
to call the Village of Mundelein at (847) 949 3282.
The Planning and Zoning Commission's actions are not
final for this case. The Planning and Zoning Commis-
sion will forward its findings and recommendations to
the Village Board of Trustees for final consideration
and action.
Dated at Mundelein, Illinois, this 23rd day of December, 2024.
Terry Roswick /s/
Chairman
Planning and Zoning Commission
Published in Daily Herald Dec. 24, 2024 (273572)

CERTIFICATE OF PUBLICATION

Paddock Publications, Inc.

Lake County Daily Herald

Corporation organized and existing under and by virtue of the laws of
the State of Illinois, DOES HEREBY CERTIFY that it is the publisher
of the **Lake County DAILY HERALD**. That said **Lake County
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That a notice of which the annexed printed slip is a true copy,
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in said **Lake County DAILY HERALD**. This notice was also placed on a
statewide public notice website as required by 5 ILCS 5/2.1.

BY *Danula Baltz*
Designee of the Publisher of the Daily Herald

Control # 273572 *LAKE*



INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

PROPERTY INFORMATION

Address 1464 S Butterfield Road, Mundelein IL 60060
Property Index Numbers (PIN) 1132304003

Size of Property (sq. ft./acres)
Size of Building Space (sq. ft.)
Size of Space Utilized

ZONING

Current Zoning Commercial
Proposed Zoning No Change
Current Use Automotive Repair
Proposed Use No Change

PETITIONER INFORMATION

Business/Org. Name Motus, Inc dba Motus Auto Service
Name Luis Leon
Title President
Address 1087 W Willow St
City, State, Zip Palatine, IL 60067
Phone 224-206-8915
Email lleon@motusauto.com

Petitioner Status: ☐ Owner ☒ Lessee ☐ Contract Purchaser

PROPERTY OWNER INFORMATION

Business/Org. Name Butterfield Corners LLC
Name Paul Bortin
Title President
Address 2506 N Clark St STE 370
City, State, Zip Chicago, IL 60614
Phone 312-804-4500
Email butterfield.corners@gmail.com

SECTION OF ZONING ORDINANCE: 20.48.040

DESCRIPTION OF PROPOSED ZONING VARIATION *(Attach additional pages, if necessary)*

Allow for up to 20 vehicles to be parked in the property parking lot each for a duration of no longer than 21 days.
This is a variation to the current zoning ordinance 20.48.040.AA.1 which allows for parking no longer than
15 days for major motor vehicle service and repair shops.

In evaluating the proposed variation, the Zoning Administrator, Planning and Zoning Commission and Village Board will make findings based on the standards imposed by Section 20.16.020 of the Zoning Ordinance. **Please provide a detailed response to each of the following criteria (attach additional pages, if necessary):**

- a. The strict application of the terms of this Ordinance will result in undue hardship.

Motus Auto Service is a full-service auto repair facility that performs a wide variety of services that range from simple maintenance to extensive engine, transmission and electrical control repairs. The business fits under the category of major motor vehicle service and repair shop.

Our parking requirements have increased as we have increased the number of vehicles that we service for our community. The need for overnight parking is driven by typical circumstances of a full-service auto repair facility such as:

- The lead time for parts before service can begin or be completed, which has been exacerbated by global supply issues
- Scheduling and resource constraints before service can be completed
- Clients dropping off their vehicles after hours or having their inoperable vehicles towed in at all times of the day
- Customer delay in vehicle pick up after service completion

We offer our clients the use of a loaner vehicle as an added value and a service differentiator for our business. At times, the loaner vehicles are parked overnight when not in use by a client. We also have vehicles that are used to conduct our business, such as transporting parts and shuttling our clients to their homes or jobs. These vehicles are also parked overnight at the property.

- b. The plight of the owner is due to unique circumstances.

Significant population, employment and commercial growth in Mundelein and surrounding villages with accompanying increased vehicular traffic, especially along Route 60 and Butterfield Road, has led to an exceptionally high demand for quality, local automobile maintenance and repair services in our community. Demand for our services has spiked beyond the expectations on which the zoning permit was originally based. Additionally, automobiles have become more complex and differentiated (and, in some cases, lower quality) so that issue diagnosis, parts' procurement, and repair time have become longer. Residents and individuals employed in and around Mundelein require and expect to be able to drop off their vehicles and have them fully serviced and repaired before they pick them up.

- c. The variation, if granted, will not alter the essential character of the locality

Granting the variance for the increase in the number of vehicles that are parked overnight would not alter the essential character of the locality, which was zoned to include at least two automobile service and repair businesses. Existing parking spaces will be used for overnight parking.

The Zoning Administrator, Planning and Zoning Commission, and Village Board, in making its findings, may further inquire into the following evidentiary issues, as well as any others deemed appropriate. **Please provide a detailed response to each of the following criteria** (*attach additional pages, if necessary*):

- a. The particular physical surroundings, shape, or topographical conditions of the specific property impose a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of regulations were to be carried out.

Not Applicable.

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

The hardship is not created by any person with a proprietary interest in the property.

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

Granting the variation will not be detrimental to the welfare of the neighborhood as having vehicles parked overnight should not be noticeable by the community. It is common for people to see vehicles parked overnight at an automotive repair facility. Indeed, not granting the variation will be detrimental to the residents and individuals employed in the community as they will not be able to rely on the business to repair and service their automobiles.

- 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 impair property values within the neighborhood.

The proposed variation will not impair an adequate supply of light and air to adjacent property due to the low height of the vehicles and it is parked at night. There will be no increase in congestion in the public streets as the vehicles are parked in a parking lot. There will be no increase in the danger of fire or endangering public safety as the vehicles are parked and do not create a fire hazard. The hazard created with overnight parking should be like a vehicle parked during the day. Property values should not be impaired within the neighborhood as the parking lot is in a commercial area and parked cars are not an unusual occurrence.

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

The proposed variation is consistent with both the spirit and intent of this Ordinance and Village land use policies. We have been granted a special use permit to operate a major automotive repair facility that serves the community. Having vehicles parked overnight in an automotive repair facility is a necessary continuation of the special use permit to allow for the operation of the business. We are asking for the application of the ordinance and the lifting of the limitation imposed at the time of zoning.

- f. 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.

Having vehicles parked overnight in a parking lot will not substantially reduce the value of the property. The parking lot is being used for its intended purpose and it should be a detriment to the property's value.

Our proposal is to spread out the overnight parking throughout the property numerous parking spaces to reduce the appearance of a clustered parking. Our proposal is to have 10 vehicles parked in the rear of the building which backs to the railroad tracks. The other 10 vehicles are parked in the front parking lot in proximity close to the store entrance.

The proposed parking locations are noted in the plat of survey with the following parking notations:

- A. Four parking spots in the parking lot next to the building.
- B. Six parking spots on the parking lot along Butterfield Road.
- C. Five parking spots on the rear northwest corner of the property backing the railroad track.
- D. Five parking spots behind the most southern building in the complex that backs the railroad track.

I, Paul Bortin, under oath, state that I am

commonly described as (Address) 1464 S Butterfield Road
Mundelein IL 60060 and that such property is owned by

(Printed Name) Paul Bortin as of this date. As owner of the property, I do

hereby authorize Luis Leon (Printed Name or Not Applicable) to represent me in the following

Planning and Zoning Commission/Village Board matter, Allow for overnight vehicle parking.

_____ (Action).

FELIPE AGUIRRE
Official Seal
Notary Public - State of Illinois
My Commission Expires Nov 23, 2025

this 26th day of June, 2024.

Helyic Aguirre
Notary Public Signature

REQUIRED SIGNATURES

The undersigned states under oath that he/she/they are the **Legal Owner(s)** of record of the realty described in this Planning and Zoning Commission Application, and the statements that he/she/they made in the foregoing application are true in substance and in fact.

Signature (Owner): 

Printed Name: Paul Bortin

Date: 6.25.26

Title: Manager

Signature (Owner): _____

Printed Name: _____

Date: _____

Title: _____

The undersigned states under oath that he/she/they are the **Contract Purchaser** of record of the realty described in this Planning and Zoning Commission Application, and the statements that he/she/they made in the foregoing application are true in substance and in fact.

Signature Contract Purchaser: _____

Printed Name: _____

Date: _____

Title: _____

The undersigned states under oath that he/she/they are the **Lessee** of record of the realty described in this Planning and Zoning Commission Application, and the statements that he/she/they made in the foregoing application are true in substance and in fact.

Signature Lessee: 

Printed Name: Luis Leon

Date: 6/28/2024

Title: President

LOTS 1, 2 AND 3 IN BUTTERFIELD CORNERS, A SUBDIVISION OF PART OF THE SOUTHWEST 1/4 OF SECTION 32, TOWNSHIP 44 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN LAKE COUNTY, ILLINOIS AS SHOWN ON THE PLAT OF SUBDIVISION RECORDED DECEMBER 31, 1987 AS DOCUMENT 2544561.

PARKING SPACES

166 Total Stalls
135 Handicap Stalls
3 Handicap Stalls

FLOOD NOTE

By graphic plotting only, this property is in Zone "C" as identified by Federal Emergency Management Agency Flood Insurance Rate Maps, Community - Flood No. 170802-0006-8 which bears an effective date of July 2, 1981.
Zone "C" = Outside of the 500 Yr. Flood Plain

AREA IN SURVEY

195,396.11 Sq. Ft.
4.4657 Acres

INFORMED PERMIT TO
LANDS DEPARTMENT OF
SURVEY INDEX NO. R-21-033-09
FOR GRADING PURPOSES

INFORMED PERMIT TO
LANDS DEPARTMENT OF
SURVEY INDEX NO. R-21-033-09
FOR GRADING PURPOSES

SURVEYOR'S CERTIFICATION

CERTIFIED TO:
CHICAGO TITLE INSURANCE COMPANY,

State of Illinois ss.
County of Kane ss.

I, John D. Reink, an Illinois Professional Land Surveyor, hereby certify that this map or plat and the survey on which it was based were made in accordance with "Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys," jointly established and adopted by ALTA, ACSM & NSPS in 1990; and exhibits Items 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16 of Table A thereof, and (b) pursuant to the Accuracy Standard (as adopted by ALTA and ACSM and in effect on the date of certification of Urban Survey.

DUNOCE, ILLINOIS Certified this 21st day of July, A.D., 2003.

by: John D. Reink, P.L.S., No. 2429

NOTES CORRESPONDING TO SCHEDULE "B"

RIGHT OF NORTHERN ILLINOIS GAS COMPANY, AS SUCCESSOR IN INTEREST TO THE PUBLIC SERVICE COMPANY OF NORTHERN ILLINOIS, TO LAY AND MAINTAIN GAS MAINS AND TO DUCT AND MAINTAIN FACILITIES AS GRANTED BY INSTRUMENT RECORDED SEPTEMBER 29, 1914 AS DOCUMENT 153445.

NOTE: SUBDIVISION OF SURFACE RIGHTS FOR PUBLIC ROAD BY SAID UTILITY TO THE STATE OF ILLINOIS RECORDED JULY 31, 1980 AS DOCUMENT 2070546 AND AUGUST 20, 1980 AS DOCUMENT 2073791. (PLOTTED - SHADY AREA)

BUILDING LINE 20 FEET NORTH OF THE SOUTH LINE, 20 FEET NORTHWESTERLY OF THE SOUTHEASTERLY LINE AND 20 FEET SOUTHWESTERLY OF THE NORTHEASTERLY LINE OF LOT 1; 20 FEET SOUTHWESTERLY OF THE NORTHEASTERLY LINE OF LOT 2 AND 20 FEET SOUTHWESTERLY OF THE NORTHEASTERLY LINE OF LOT 3, AS SHOWN ON PLAT OF SAID SUBDIVISION. (PLOTTED)

PROVIDENT FOR SANITARY SEWER PURPOSES OVER THE NORTHEASTERLY 10 FEET OF LOTS 1 AND 2, AND A NORTHEASTERLY 10 FOOT PORTION OF LOT 3 AS SHOWN ON PLAT OF SAID SUBDIVISION. (PLOTTED)

IN RIGHT, PERMISSION AND AUTHORITY OF THE COMMONWEALTH Edison COMPANY AND THE ILLINOIS S&L TELEPHONE COMPANY, INCORPORATIONS OF ILLINOIS, THEIR SUCCESSORS AND ASSIGNS, TO CONSTRUCT, LAY, MAINTAIN, ETC., UNDERGROUND CONDUITS, CABLES, ETC., WITH RIGHT OF ACCESS THERETO FOR THE MAINTENANCE THEREOF, IN, UPON, UNDER AND ALONG THAT PORTION OF THE LAND AS DESCRIBED ON AND GRANTED BY INSTRUMENT DATED MAY 5, 1985 AND RECORDED MAY 24, 1985 AS DOCUMENT 2534505.

DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS, AND EASEMENTS MADE BY NED TRUST COMPANY OF ILLINOIS, AS SUCCESSOR TRUSTEE TO NED WOODFIELD BANK, AS TRUSTEE UNDER TRUST AGREEMENT DATED DECEMBER 5, 1986 AND KNOWN AS TRUST NUMBER 295, DATED OCTOBER 11, 1986 AND RECORDED OCTOBER 21, 1986 AS DOCUMENT 2732951.

NOTE: EASEMENT FOR PEDESTRIAN AND VEHICULAR INGRESS AND EGRESS OVER THE COMMON AREA AND AN EASEMENT FOR VEHICULAR PASSING ON EACH PARKING STRIP CONSTRUCTED ON THE COMMON AREA ON SAID DOCUMENT. (NOT PLOTTED - BLANKET EASEMENT)

Scale: 1 inch equals 30 feet.

Distances are marked in feet and decimal parts thereof.

Ordered by: DUBOE DEVELOPMENT COMPANY

Checked by: JLS. Surveyed by: A.K.

Building lines, if any, shown herein are building lines shown on the recorded subdivision plat. Consult local authorities for building line established by local ordinances.

Please check legal description with Deeds; also compare all points before building and report ANY DISCREPANCY

NOTE: There is no observable evidence of earth moving work, building construction or building additions within recent months.

No changes in street right of ways.

No observable evidence of site use as a solid waste dump, dump or sanitary landfill.

Survey performs a mathematical closure.

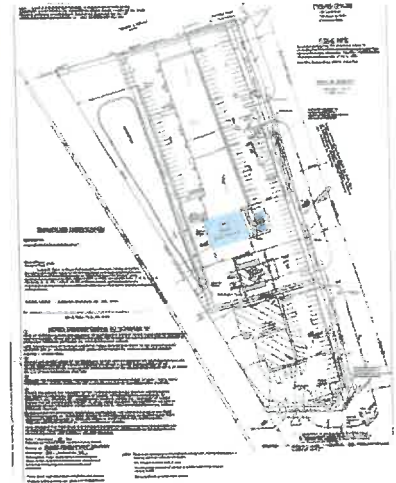
STATE OF ILLINOIS
COUNTY OF KANE
ROUTE 60

Proposed Parking Sections – Parking Lot Street Side



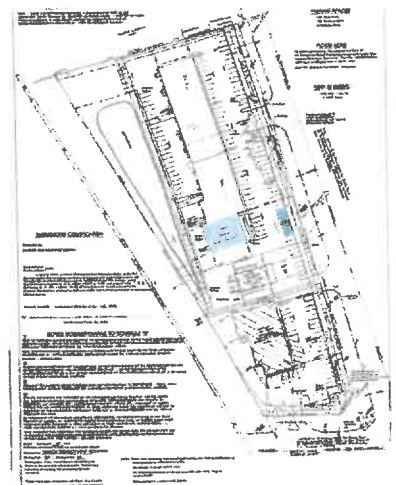
Proposed Parking Section A

Next to building
Four Parking Spots



Proposed Parking Section B

Facing Butterfield Road
Six Parking Spots

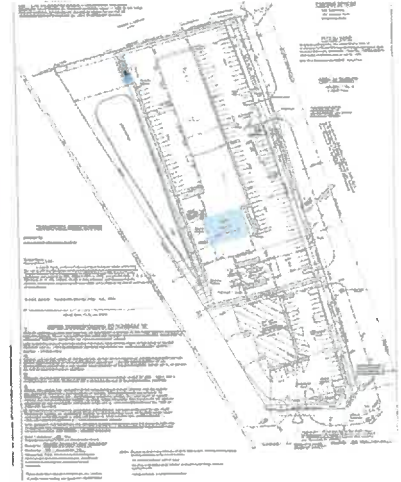


Proposed Parking Sections – Parking Lot Rear Side of Building



Proposed Parking Section C

- Northwest Corner facing railroad track
- Five Parking Spots



Proposed Parking Section D

- Southwest Corner facing railroad track
- Five Parking Spots

