



Good cause, wrong location

THE BASIS

In the spring of 2015, several Lake Zurich residents formed Residents for an Engaged Community (REC) to ensure that the proposed use of the Midlothian Manor site was consistent with our rural residential zoning laws. Until recently, we have been completely successful in our fight to stop the inappropriate use of the Midlothian Manor building and Lake County Housing Authority's effort to use the facility in a manner the building is not zoned, or designed to be used: to house 14 chronically homeless individuals some with severe mental illness.

To date the basis of our efforts has been grounded in zoning laws, which are in place to ensure that buildings are built and used in a manner consistent with zoning laws and that the infrastructure of a community can appropriately handle the needs of proposed facility use cases.

The proposed use of the building creates demands that neither the building itself, nor the infrastructure of the community can support in a safe manner. To get around zoning laws LCHA and Lake County Building, Planning and Development worked together to circumvent the due process and rules allowed by the Uniform Development Ordinance. The result was a Government Use in a R1 Residential Zoning District that exists nowhere else in Lake County.

THE LEGAL JOURNEY

In early 2015, a small group of community members spent countless hours researching local zoning laws, discussing the proposed use of the facility with local government officials, and evaluating all possible options available to the community including whether to hire an attorney. In February 2015, the residents hired an attorney and filed an administrative appeal with the Lake County Zoning Board of Appeals (ZBA). After 15 hours of testimony, three public hearings beginning on May 12, and hundreds of pages of exhibits the ZBA voted in the resident's favor 5-1, thereby reversing the Government Use decision unilaterally made by the Director of the LCPBD.

Refusing to accept the ruling determined by their own governing body (the ZBA), the LCHA decided to frivolously spend additional taxpayer dollars and filed a Circuit Court review appeal with the Lake County Court in July 2015. While the reversal of the Director's decision stood still for approximately 1.5 years, Judge Schippers, an elected Lake County judge and former member of the same office as the attorney for the LCPBD (Lake County State's Attorney Office), reversed the ZBA's decision on November 8, 2016. After reviewing the transcripts from the original hearing, briefs and comments prepared by all invested parties, the judge very narrowly defined the issues, concluded certain "undisputed facts" which our attorney vehemently disagreed with, and reversed the original decision made by the ZBA thereby permitting the "Government Use" designation.

The judge's decision, if not contested, gives the LCHA the ability to apply for the occupancy permit and use the building in a way that we believe is in direct conflict with zoning laws, which by the nature and purpose of having these laws, will place the proposed residents as well as nearby residents, schools and town at risk.

On November 12, concerned residents met to discuss options and next steps. It was collectively concluded that there is a 100% chance that the Safe Haven program residents will move in to the facility if we do nothing. While we lost the most current battle, we also recognize that every agency represented in our legal journey is affiliated with Lake County: LCHA brought the matter to a Lake County court, ruled on by a Lake County Judge, with the issue involving an overturned decision of a Lake County



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Agency (LCBPD). Additionally, the LCBPD was represented by the Lake County State's Attorney. In short, the deck was stacked against us for this battle. We believe that in an independent venue, such as the Illinois Appellate Court, we can be successful. We firmly believe that the "undisputed facts" that the Judge based his opinion on are in fact disputed and incorrect.

To bring this matter to an independent venue (the Illinois Appellate Court), we have taken the following initial steps:

1. Filed Notice of Appeal - Circuit Court
2. Submitted Motion for Stay Pending Appeal - Circuit Court
3. Filed Notice of Filing of Notice of Appeal - Appellate Court
4. Submitted Notice to Circuit Court to Prepare the Record on Appeal
5. Submitted Docketing Statement - Appellate Court

The Motion for Stay, if accepted, represents a formal step that would prevent the Safe Haven program from moving into the building. Without it and assuming the occupancy permit is issued by yet again another Lake County agency, there is nothing that would prohibit the Safe Haven program residents from moving in immediately.

OUR CURRENT REALITY

A Waukegan business owner shares his personal experience with his business in close proximity to a Safe Haven facility:

My medical center is directly across the street from the current PADs Safe Haven facility. We have been in Waukegan servicing patients for over 20 years. Since they moved in, my landscapers have reported to me that they routinely remove human waste, used needles, and condoms from my property. For 18 years, we never had this issue... Ever! Now, my patients occasionally inform me of females attempting to solicit sex while loitering on my property. I've installed thousands of dollars' worth of lighting and a security system in attempt to help my clients feel safe, but business is still fading away. Several of my patients have told me that they would be moving on due to the dangers that they feel when going to and from their car. Our parking lot is between my building and the facility. I've lost a significant portion of my business, including being forced to re-purpose 1,100 sq. ft. of space that once was a thriving yoga studio into an underutilized storage room. Overall, our business has suffered greatly, and I am currently looking at a plan to sell my building and move.

- Dr. Ivan Bracic.

While it is a slightly different type of facility than the proposed use for Midlothian Manor, the experience of Dr. Bracic is alarming. Thus, seeing the appeal through is our only chance to permanently stop the misuse of Midlothian Manor property by the LCHA. It also thankfully takes the case out of Lake County, where we believe the web of connections between agencies creates decision making bias.

To see this through, our attorney estimates legal fees and court costs of \$25,000. While a substantial amount, this amount is far less than the potential impact to the community at large including the proposed residents.



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THE CALL TO ACTION

We need to significantly expand our efforts beyond the small group of residents that have carried the majority of the burden to date. We need additional help from a larger group. We need help from individuals and businesses. We need:

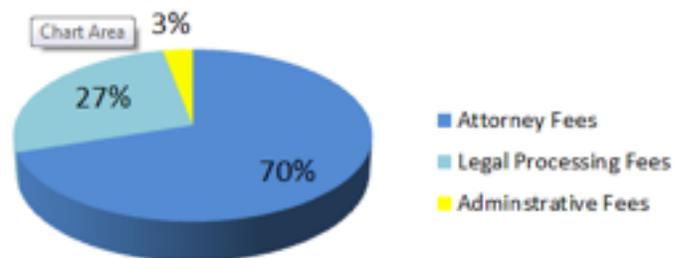
- Funding for the Appellate Court Process and continuing the fight
- Monetary donations
 - Online donations: <https://www.gofundme.com/midlothian-manor>
 - Cash or check donations: Contact us as engagedcommunitynow@gmail.com to coordinate More community support
- Volunteers to assist with legal efforts, fund raising efforts, administration and other committees
- People with technical knowledge of law, building health and fire codes
- Masses to attend meetings and a possible protest
- Donations of time
 - These are being accepted and can be offered by [emailing Residents of an Engaged Community](#).

APPENDIX

For reference:

Phase 1* dollar donation allocation:
\$60,000

- Attorney Fees (Shapiro Law)
- Filing, Court and Transcription Costs
- Reproduction and Printing costs



Phase 2* financial needs: \$50,000 (Attorney fees and filing and Court costs)

* For background, **Phase 1** (due process phase) began in early 2015 and included a “win” for the community with the Zoning Board of Appeals. It concluded with the complaint filed by the LCHA against the Zoning Board of Appeals, which resulted in a reversal of the ZBA’s decision. **Phase 2** (appeal process phase) began in November 2016 and will continue through the appeal process, potentially up to one year in duration.