



Zoning Board of Appeals
Gregory Koeppen
Chair

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May 8, 2025

TO: Gregory Koeppen, Chair
Lake County Zoning Board of Appeals

FROM: Frank Olson, Senior Planner
Lake County Department of Planning, Building and Development

CASE NO: VAR-001076-2024

REQUESTED ACTION: Variance from the requirements of the Lake County, Illinois Code of Ordinances (Lake County Code) to:

- 1) Modify the required transition landscape requirement from 3 plant units per 100 linear feet and a 6-foot fence with 95% opacity to 2 evergreen shrubs per 100 linear feet and an 8-foot fence with 95% opacity.

HEARING DATE: May 15, 2025

GENERAL INFORMATION

OWNER: Frank Ryser as successor trustee under a Trust Agreement dated July 11, 1993

OF PARCELS: One

SIZE: 68.82 Acres, per Lake County Maps Online

LOCATION: 14422 W 9th Street, Zion, Illinois

PIN: 03-11-200-013

EXISTING ZONING: Agricultural (AG)

EXISTING LAND USE: Agricultural (field crops)

PROPOSED LAND USE: Commercial Solar Energy System

SURROUNDING ZONING / LAND USE

NORTH:	Agricultural (AG) / Residential and Agricultural
SOUTH:	Right of way and Rural Estate (RE) / W 9 th St., Residential
EAST:	Agricultural (AG) / Residential, Agricultural
WEST:	Right of way, Agricultural (AG) / N Kilbourne Bay Road, Agricultural

COMPREHENSIVE PLANS

LAKE COUNTY:	Agricultural and Public and Private Open Space.
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DETAILS OF REQUEST

ACCESS:	The subject property is accessed from N Kilbourne Road.
CONFORMING LOT:	The subject property is a conforming zoning lot in the Agricultural (AG) zoning district.
WETLAND/FLOODPLAIN:	The subject property has wetlands, floodplain, and floodway in the central and southern portion of the property.
SEWER AND WELL:	The subject property does not have any water or sewer service. Neither service is necessary to support the proposed use.

LAKE COUNTY AND EXTERNAL AGENCY COMMENTS

Lake County Engineering Division - Comments by Joel Krause

- The Engineering Division has no objection to this Variation.
- Please be advised that there are remaining site development items that will need to be addressed at the time of the Site Development Permit application, including wetlands which may be impacted by the proposed development, resulting in the need for wetland permitting from the Lake County Stormwater Management Commission (SMC).

Lake County Division of Transportation – Comments by Joe Meyer

- Lake County Division of Transportation (LCDOT) has no objections to this Variance. A LCDOT Minor Access Permit for Kilbourne Road is required.

Lake County Building Division - Comments by Ieva Donev

- The Building Division has no objection to this variance. Building permits will be required.

ADDITIONAL COMMENTS

- A transition area is required for non-residential uses developing adjacent to residential uses. Lake County Code Section 151.167(J)(2)(b) specifies that the width of the required transition area shall be calculated as 20% of the lot width, not to exceed 30 feet. The provision further specifies that the plant unit intensity shall be calculated proportionately at one plant unit for every ten feet of transition area width. Lake County Code Table 151.167(J) specifies that nonresidential uses allowed in residential districts shall be subject to transition area requirements of the Limited Commercial (LC) zoning district. The LC zoning district abutting a “Class 1” use (detached house, village house, or lot line house) requires 3 plant units per 100 linear feet and a fence (minimum 95% opacity and minimum 6-foot eight) for a transition area 30 feet in width. This specific request is regarding 326 linear feet of property line abutting a “Class 1” residential use, the required transition area is 30 feet in width, a total of 10 plant units, and a fence (minimum 95% opacity and minimum 6-foot height) required within the 30-foot transition area. Alternatively, applicants may execute Transition Yard Modification Agreements with adjacent property owners to either waive or modify transition yard requirements. Transition Yard Modification Agreements must be recorded at the time of permitting.
- A plant unit is comprised of 1 canopy tree, 2 evergreen trees, 2 understory trees, and 7 shrubs per Lake County Code Section 151.167(E)(1)(a).
- Illinois State Statute *55 ILCS 5/5-12020(l)* states that a county may require certain vegetative screening surrounding a commercial solar energy facility but may not require earthen berms or similar structures.
- The applicant has prepared Transition Yard Modification Agreements with a majority of the surrounding property owners. These agreements, when executed, will modify the transition yard requirements from the elements detailed above to 2 evergreen shrubs per 100 linear feet and an 8-foot fence with 95% opacity. The variation is being requested for 326 linear feet adjacent to PIN 03-11-200-005, where there is no prepared agreement.
- The applicant has also provided a landscaping plan that meets the requirements of Lake County Code Section 151.167 (J) in the event that the variation is denied.

RECOMMENDATION

In Staff's opinion, the request fails to meet the approval criteria for variations specified in Lake County Code Section 151.056(C)(4) and recommends denial of the variance for the following reasons:

1. Exceptional conditions peculiar to the applicant's property:

Comment: The property abuts existing residential uses along the northern and eastern borders. There are a large amount of wetlands, floodplain, and floodway located centrally on the site, and south of the development area. The presence of these natural resources limits the total area of the site suitable for solar panels. Although these unique conditions exist, there is no related hardship that prevents provision of the required transition yard landscaping along PIN 03-11-200-005. In the absence of a Transition Yard Modification Agreement, the applicant is required to provide the full landscaping requirement outlined in the Lake County Code Table 151.167(J) which requires 3 plant units per 100 linear feet and a minimum 6-foot fence with 95% opacity.

2. Practical difficulties or particular hardship in carrying out the strict letter of the regulation:

Comment: The restrictions of the wetlands, floodplain, and floodway requires the development to occur on the northern portion of the property. Solar panels inherently require access to sunlight and the applicant has concerns that the full landscaping requirement will result in increased difficulties operating the proposed commercial solar energy facility. Despite these concerns, the required transition yard landscaping is required so as to provide a buffer between varying uses, and there does not appear to be any practical difficulty or particular hardship that prevents the establishment of the required landscaping elements to provide sufficient buffering to the neighboring property.

3. Harmony with the general purpose and intent of the zoning regulations:

Comment: The variation request is not in harmony with the general purpose and intent of the zoning regulations. As part of the transition yard landscaping, the applicant is proposing 2 evergreen trees per 100 linear feet and an 8-foot, 95% opaque fence. However, the intent of the 3 plant units per 100 linear feet and a 6-foot minimum, 95% opaque fencing requirement within the transition area is to provide screening in proximity to neighboring properties in order to most effectively mitigate potential impacts. Increasing the total fence height by two feet and significantly lowering the total amount of landscaping would impede the intent of providing a visual screening and buffer to the residents that are adjacent to the developing property which have ultimately chosen not to enter a transition yard agreement with the applicant.

RECOMMENDED CONDITION

In the event the Board grants the proposed variance, staff recommends the following condition:

1. The location and length of the proposed landscaping modification along the 326 linear feet abutting PIN 03-11-200-005 be consistent with the landscaping plan and site plan accompanying ZBA application #001076-2025.