

## **LAKE COUNTY ZONING NOTICE VAR-000941-2024**

### **Cuba Township**

The Lake County Zoning Board of Appeals has scheduled a public hearing at 9:00 AM on Thursday March 14, 2024, at the Lake County Division of Transportation, 600 W. Winchester Rd., Libertyville on the petition of James and Marybeth Hursh, record owners, who seek the following variations from the requirements of the Lake County Code and any other zoning relief as required:

1. Reduce the total side yard setback from 33 feet to 28.94 feet.
2. Increase the maximum impervious surface ratio from 20% to 30%.

Please note that quantitative values may be subject to minor alterations due to surveyed conditions. The subject property is located at 28691 W Rivers Edge Dr., Cary, Illinois and is approximately 1.2 acres.

PIN: 13-09-312-012

This application is available for public examination online at <https://www.lakecountyil.gov/calendar.aspx?EID=11585> or at the office of the Lake County Zoning Board of Appeals, 500 W. Winchester Rd, Libertyville, Illinois, Attn: Frank Olson, Project Manager 847-377-2116.

**Gregory Koeppen**  
**Chair**

LAKE COUNTY ZONING BOARD OF APPEALS

VARIATION APPLICATION

Owner(s): JAMES HURSH AND MARYBETH HURSH

Applicant(s): \_\_\_\_\_  
(if other than owner)

Subject Property: Present Zoning: RESIDENTIAL  
Present Use: SINGLE FAMILY RESIDENTIAL  
Proposed Use: SINGLE FAMILY RESIDENTIAL  
PIN(s): 13-09-312-012  
Address: 28691 W RIVERS EDGE DR, CARY IL 60013  
\_\_\_\_\_  
Legal description: \_\_\_\_\_  
(see deed)

The following variation(s) are requested:

1. REDUCTION OF TOTAL SIDE YARD SET-BACK FROM THE REQUIRED 33' TO 28.94'
2. INCREASE IN IMPERVIOUS SURFACE RATIO ("ISR") TO 30%

Explain why this variation(s) is necessary:

APPLICANT NEEDS TO BUILD A 24' x 35' ATTACHED GARAGE ON THE SOUTH SIDE OF THE HOME

1. Approval Criteria

The Lake County Zoning Board of Appeals is required to make findings of fact on your request. You should "make your case" by explaining specifically how your proposed request relates to each of the three criteria below. (Please refer to pages 8-9 of this packet for more information on how to address these criteria).

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

THIS LOT BACKS ONTO THE FOX RIVER. FROM THE EAST END OF THE DRIVEWAY TO THE RIVER EDGE, THERE IS AN ELEVATION CHANGE OF 12FT (746' TO 734' MSL). ALSO, THE DISTANCE FROM THE NORTH SIDE OF THE SUBJECT HOME TO THE SOUTH SIDE OF THE HOME TO THE NORTH IS APPROXIMATELY 55'. THE LOT TO THE SOUTH IS OWNED BY RIVER'S EDGE HOA AND IS USED FOR ACCESS TO A PIER ON THE RIVER. THE DISTANCE FROM THE SUBJECT HOME TO THE NEAREST HOME TO THE SOUTH IS APPROXIMATELY 255'.

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

HARDSHIP IS THE 12FT CHANGE IN ELEVATION ON THE SOUTH SIDE OF THE PROPERTY, FROM THE DRIVEWAY TO THE RIVER, MAKING THIS UNSUITABLE FOR PARKING VEHICLES OR OTHER EQUIPMENT. THE OWNER NEEDS TO BUILD A GARAGE ON THE SOUTH SIDE OF THE HOUSE. THE GARAGE WILL REDUCE THE TOTAL SIDE YARD SETBACK 33' TO 28.94'. WHEN THE HOME WAS PURCHASED BY MR. AND MRS. HURSH IN MARCH OF 2023 , THE LOT COVERAGE WAS UNKNOWINGLY ALREADY 28.5%. IT APPEARS THAT A PRIOR OWNER FROM 1997 FAILED TO REQUEST ANY VARIANCE REGARDING LOT COVERAGE. MR. AND MRS. HURSH ONLY SEEK TO ADD AN ADDITIONAL 1.5% FOR THE GARAGE SPACE AND ALSO REQUEST THAT THE PRIOR 8.5% BE APPROVED.

HARDSHIP IS THE SLOPING OF THE PROPERTY MAKING THE LAND UNSUITABLE FOR PARKING. THE VEHICLE AND EQUIPMENT STORED IN THIS GARAGE WOULD BE FOR WINTER USE. HAVING THE GARAGE ATTACHED TO THE HOUSE IS NOT ONLY ASTHETICALLY PLEASING BUT WILL PROVIDE PROTECTION FROM THE ELEMENTS WHEN ENTERING OR EXITING THE GARAGE FROM THE HOUSE. AN UNATTACHED STRUCTURE BUILT OFF THE EXISTING DRIVEWAY WOULD NOT CHANGE THE ISR. HOWEVER, IT WOULD NOT GIVE PROTECTION WHEN ENTERING OR EXITING THE GARAGE AND WOULD BE UNPLEASING TO THE EYE WITH THE CURRENT ARCHITECTURE. AT HE TIME THEY PURCHASED THE PROPERTY, IT WAS UNKNOWN TO MR. AND MRS. HURSH THAT THE LOT COVERAGE EXCEEDED THE ALLOWED AMOUNT OF COVERAGE.

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

MR. HURSH PURCHASED THE HOME MARCH 2023. ACCORDING TO THE LAKE COUNTY GIS MAPPING SYSTEM, THERE ARE THREE (3) AREAS CURRENTLY ENCROACHING ON PROTECTED WOODLAND. A SMALL PORTION OF THE ORIGINAL STRUCTURE ON THE NORTHEAST CORNER HAS ENCROACHED SINCE THE HOME WAS BUILT IN 1987. THE DRIVEWAY TO THE WEST HAS ENCROACHED SINCE 2002. A POOL HOUSE AND SMALL ASPHALT DRIVE ON THE NORTHEAST HAS ENCROACHED SINCE 1997. THE NEW STRUCTURE WILL HAVE NO IMPACT ON PROTECTED WOODLAND. THIS IS AN OVERALL IMPROVEMENT WHICH WILL NOT HAVE A SUBSTANTIAL NEGATIVE IMPACT ON THE NEIGHBORHOOD OR RUN COUNTER TO THE OBJECTIVES OF THE ZONING ORDINANCE. THE PURPOSE OF THE SETBACK IS TO KEEP HOMES FROM BUILDING TOO CLOSE TO EACH OTHER. IN THIS CASE, THE DISTANCE TO THE HOUSE TO THE NORTH OF THE PROPERTY IS APPROXIMATELY 55' AND, DUE TO THE VACANT LAND ON THE SOUTH OF THE PROPERTY, THE NEAREST HOUSE TO THE SOUTH IS APPROXIMATELY 255'. THEREFORE, THE IMPROVEMENTS ARE STILL IN HARMONY WITH THE GENERAL PURPOSE AND INTENT OF THE ZONING REGULATION. THERE HAS BEEN NO APPARENT IMPACT FROM THE PRIOR UNKNOWN LOT COVERAGE AND AN INCREASE OF 1.5% IS MINIMAL.

**APPLICANT INFORMATION**

<p><b><u>Owner (include all fee owners listed on deed):</u></b></p> <p>Name: <u>JAMES &amp; MARYBETH HURSH</u></p> <p>Address: <u>28691 W RIVERS EDGE DR, CARY</u></p> <p>State &amp; Zip: <u>ILLINOIS 60013</u></p> <p>Daytime Phone: [REDACTED]</p> <p>Email: [REDACTED]</p>	<p><b><u>Authorized Agent:</u></b> I/we hereby authorize this person to represent me/us in all matters related to this application</p> <p>Name: <u>JAMES W KAISER</u></p> <p>Address: [REDACTED]</p> <p>State &amp; Zip: [REDACTED]</p> <p>Daytime Phone: [REDACTED]</p> <p>Email: [REDACTED]</p>
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<p><b><u>Applicant (if other than owner):</u></b></p> <p>Name: _____</p> <p>Address: _____</p> <p>State &amp; Zip: _____</p> <p>Daytime Phone: _____</p> <p>Email: _____</p>	<p><b><u>Contract Purchaser (if any):</u></b></p> <p>Name: _____</p> <p>Address: _____</p> <p>State &amp; Zip: _____</p> <p>Daytime Phone: _____</p> <p>Email: _____</p>
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I/We [REDACTED] information given above is true and complete to the best of my/our knowledge.

\_\_\_\_\_  
Owner's Signature

[REDACTED]

\_\_\_\_\_  
Signature(s) of contract purchasers (If applicable)

I, Jennifer L. Villarreal a Notary Public aforesaid, do hereby certify that James Hursh and Mary Beth Hursh personally known to me is (are) the person(s) who executed the foregoing instrument bearing the date of January 15, 2024 and appeared before me this day in person and acknowledged that he/she/they signed, sealed and delivered the same instrument for the uses and purposes therein set forth.  
Given under my hand and Notarial Seal this 15<sup>th</sup> day of January, 2024

My Commission expires 1-7-25

[REDACTED]



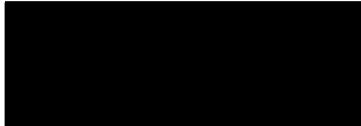
**LEGAL DESCRIPTION:**

LOT 12 IN RIVERS EDGE SUBDIVISION, BEING A SUBDIVISION OF PART OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SECTION 9, TOWNSHIP 43 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED DECEMBER 16, 1985 AS DOCUMENT 2406897, IN LAKE COUNTY, ILLINOIS

Pin: 13-09-312-012  
Cuba Township

**COURT REPORTER AGREEMENT**  
**CHECK ONE OF THE FOLLOWING:**

- I authorize the County to act on my behalf to retain a Certified Shorthand Reporter to transcribe the public hearing and provide a transcript to the Zoning Board of Appeals. I further agree to pay the Reporter reasonable fees for his/her services. If I do not pay the Reporter and the County is invoiced and pays the Reporter, I agree to reimburse the County. If the County sues to obtain reimbursement, I agree to pay the County its reasonable attorney's fees in bringing suit and obtaining a judgment.
  
- I will furnish a Certified Shorthand Reporter to transcribe the public hearing and provide a transcript to the Zoning Board of Appeals. I realize that the failure to do so may result in the continuation of the public hearing in which case I agree to reimburse the County for all additional expenses caused by such continuation.

  
\_\_\_\_\_  
Signature

**Billing Contact Information:**

JAMES HURSH  
\_\_\_\_\_  
Print Name  
  
\_\_\_\_\_  
Email  
  
\_\_\_\_\_  
Phone

**THIS SIGNED AGREEMENT MUST ACCOMPANY YOUR APPLICATION**

REAL ESTATE TRANSFER TAX

County:	\$410.00
Illinois:	\$920.00
Total:	\$1,230.00
Stamp No:	0-501-539-024
Declaration ID:	20230204959125
Instrument #:	7962760
Date:	10-Mar-2023

Type: DW  
 Recorded: 3/10/2023 11:10:33 AM  
 Fee Amt: \$1,290.00 Page 1 of 3  
 Receipt#: 202300009821  
 IL Rental Housing Fund: \$9.00  
 State Stamp Fee: \$820.00  
 County Stamp Fee: \$410.00  
 Lake County IL  
 Anthony Vega Lake County Clerk

**WARRANTY DEED**

2266147  
 Statutory (ILLINOIS)  
 (Individual to Individual)

MAIL TO:  
 Attorney Thomas Vaclavek  
 VACLAVEK HARTMAN VACLAVEK  
 105 E. Main Street (W. side west hwy)  
~~28691 W. Rivers Edge Drive~~  
 Cary, IL 60013

**File# 7962760**

RECORDER'S STAMP

THE GRANTORS, DANIEL C. VERSEMAN and LAURIE E. VERSEMAN, HIS WIFE, of the Village of Cary, State of Illinois for and in consideration of TEN and No/100 (\$10.00) -----DOLLARS and other good and valuable considerations in hand paid, CONVEY AND WARRANT to JAMES HURSH and MARYBETH HURSH, HIS WIFE, (GRANTEES ADDRESS) as Tenants by the Entirety, not as Joint Tenants and not as Tenants in Common, of 7610 Monticello Way, Crystal Lake, IL 60014, the following Real Estate situated in the County of Lake in the State of Illinois, to wit:

**SEE EXHIBIT "A" ATTACHED**

Subject to covenants and restrictions of record and general real estate taxes for 2022 and subsequent years, hereby releasing and waiving all rights under and by virtue of the Homestead Exemption Laws of the State of Illinois

NAME AND ADDRESS OF TAXPAYER: JAMES HURSH and MARYBETH HURSH  
 28691 W. Rivers Edge Drive, Cary, IL 60013

Permanent Index Number(s): 13-09-312-012  
 Property Address: 28691 W. RIVERS EDGE DRIVE, CARY, IL 60013

DATED this 8<sup>th</sup> day of March, 2023

[Redacted Signature]  
 DANIEL C. VERSEMAN

[Redacted Signature] (SEAL)  
 LAURIE E. VERSEMAN, HIS WIFE

**WARRANTY DEED**

FROM

DANIEL C. VERSEMAN  
AND  
LAURIE E. VERSEMAN, HIS WIFE

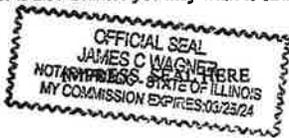
TO

JAMES HURSH and MARYBETH HURSH

I, the undersigned, a Notary Public in and for said County, in the State aforesaid, DO HEREBY CERTIFY THAT DANIEL C. VERSEMAN and LAURIE E. VERSEMAN, HIS WIFE, personally known to me to be the same person(s) whose name(s) is/are subscribed to the foregoing instrument, appeared before me this day in person, and acknowledged that they signed, sealed and delivered said instrument as their free and voluntary act, for the uses and purposes therein set forth, including the release and waiver of the right of homestead.\*

Given under my hand and notarial seal, this 8<sup>TH</sup> day of MARCH, 2023  
[Redacted]

My commission expires on March 25, 2024.  
\*If Grantor is also Grantee you may want to strike Release & Waiver of Homestead Rights.



~~Lake COUNTY - ILLINOIS TRANSFER STAMP  
EXEMPT UNDER PROVISIONS OF PARAGRAPH  
SECTION 4, REAL ESTATE  
TRANSFER ACT.  
DATE \_\_\_\_\_  
Buyer, Seller or Representative \_\_\_\_\_~~

NAME AND ADDRESS OF PREPARER:

James C. Wagner  
[Redacted]

\*\*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).

**LEGAL DESCRIPTION:**

LOT 12 IN RIVERS EDGE SUBDIVISION, BEING A SUBDIVISION OF PART OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SECTION 9, TOWNSHIP 43 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED DECEMBER 16, 1985 AS DOCUMENT 2406897, IN LAKE COUNTY, ILLINOIS

Pin: 13-09-312-012  
Cuba Township

VERS EDGE DR  
(66' R.O.W.)  
ASPHALT

75.93' (M=R)  
10' UTILITY EASEMENT  
30' BUILDING LINE

N26°08'47"E

126.61' (M=R)

S63°51'13"E

LOT 11

254.66

3/4" IRON PIPE (FOUND) AT CORNER

141.75' (M=R)  
ASPHALT DRIVE

N63°51'13"W

3/4" IRON PIPE (FOUND) 0.27N OF CORNER

OUTLOT B

ASPHALT DRIVE

197.00' (M=R)

S89°08'47"W

CON

15475  
10:677 m<sup>2</sup>

ASPHALT DRIVE  
CONC.

CONC. & STONE PORCH WITH OVERHANG

ASPHALT DRIVE

3/4" IRON PIPE (FOUND) AT CORNER

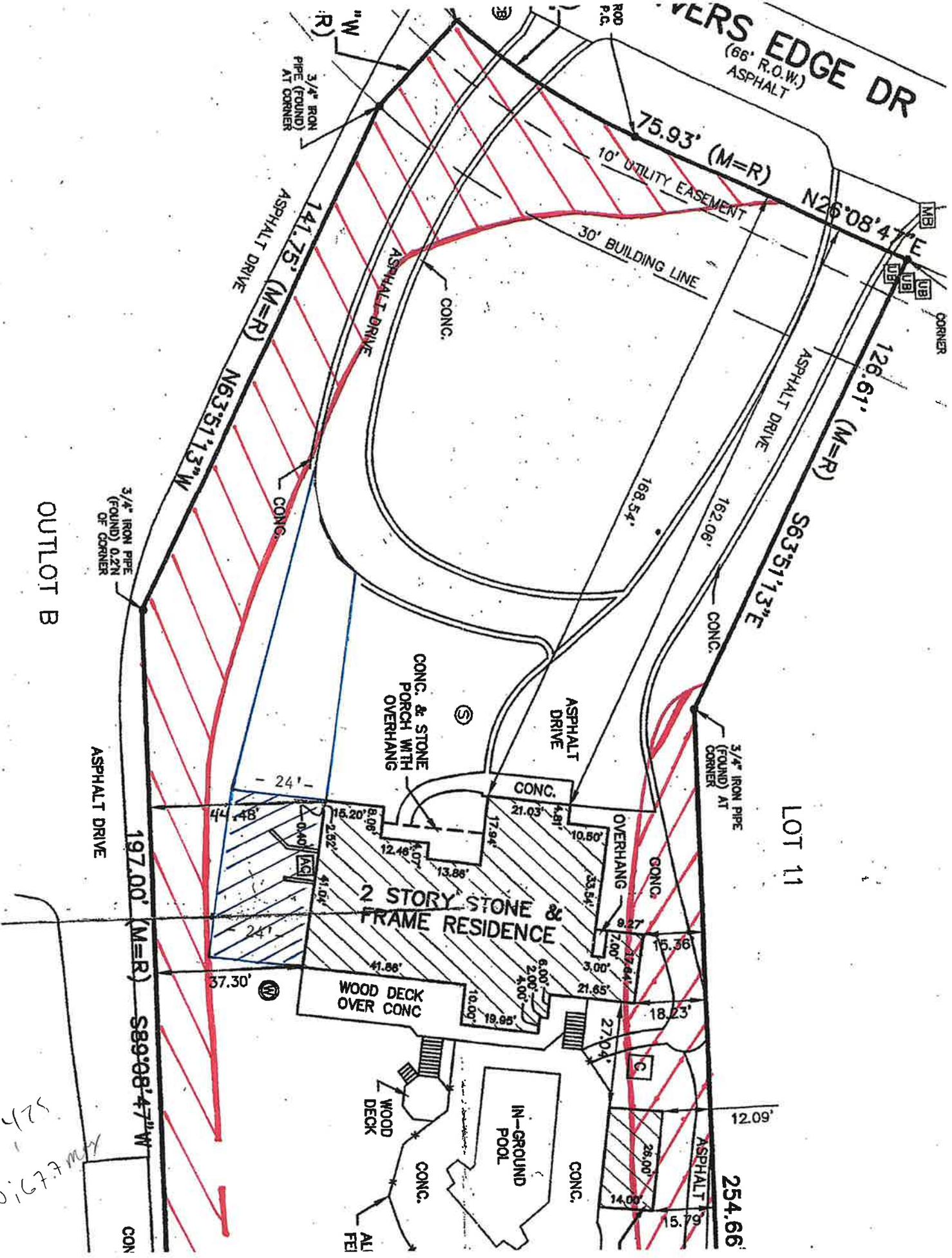
2 STORY STONE & FRAME RESIDENCE

WOOD DECK OVER CONC

IN-GROUND POOL

WOOD DECK

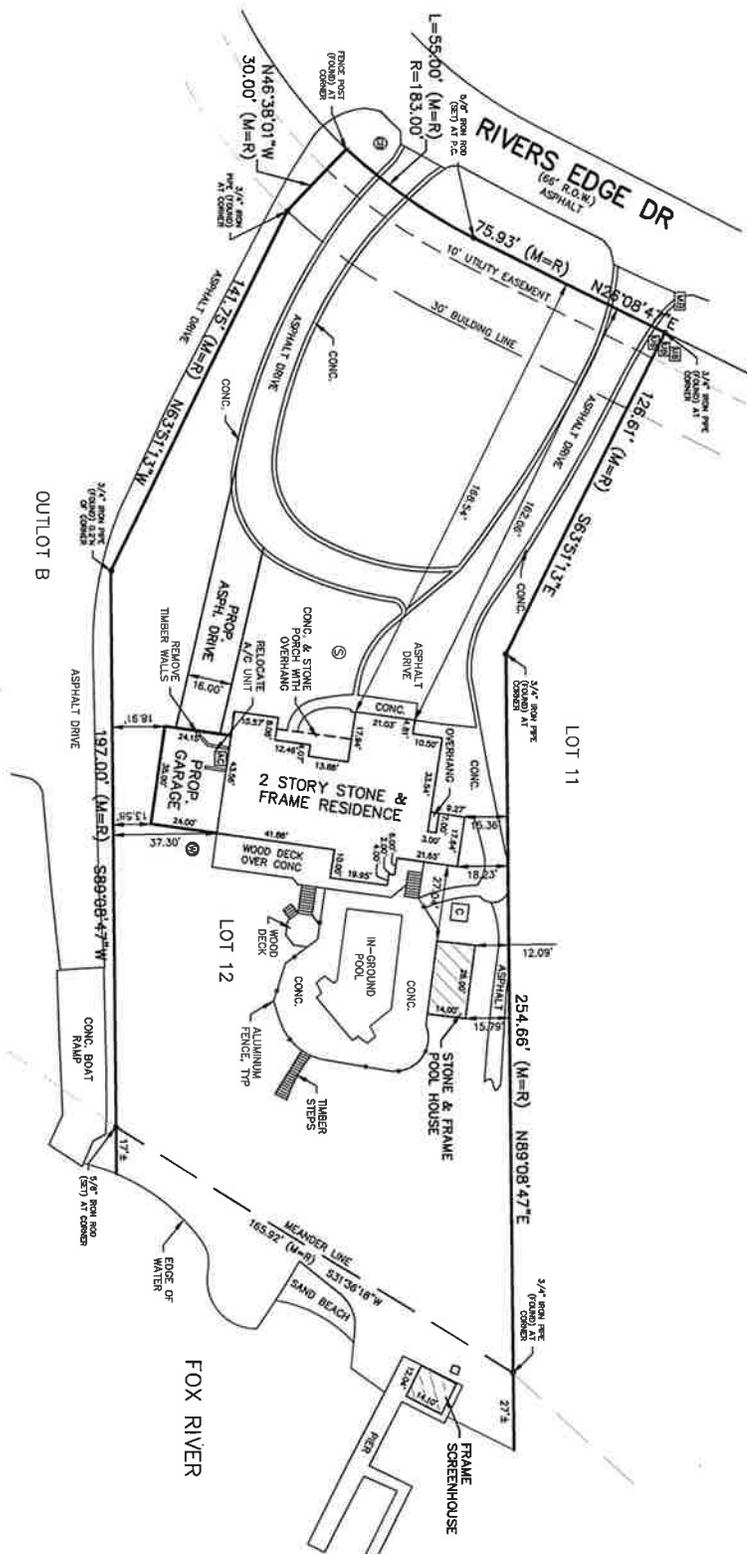
ALU FEI



# SITE EXHIBIT

LOT 12 IN RIVERS EDGE SUBDIVISION, BEING A SUBDIVISION OF PART OF THE SOUTH 1/2 OF THE SOUTHWEST 1/4 OF SECTION 9, TOWNSHIP 43 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED DECEMBER 16, 1985 AS DOCUMENT 2406897, IN LAKE COUNTY, ILLINOIS.  
 ADDRESS: 28691 RIVERS EDGE DRIVE, CARY  
 P/N: 13062431-1/1  
 AREA: 1.19 ACRES (TO MEANDER LINE)

THE BASIS FOR BEARINGS SHOWN HEREON IS THE PLAT OF SUBDIVISION OF "RIVERS EDGE SUBDIVISION" RECORDED DECEMBER 16, 1985 AS DOCUMENT NUMBER 2406897, IN LAKE COUNTY, ILLINOIS.



DATE OF FIELD SURVEY: 01/05/2023  
 11/30/23

DESIGNED PROFESSIONAL ENGINEER SIGNED ON 11/27/2023  
 LICENSE EXPIRES ON 11/30/2023

CONDITION OF LOT AND/OR COMMENTS: NONE

### IMPERVIOUS TABLE

TOTAL AREA TO WATERLINE= 55722 SQ.FT. = 1.28 ACRES  
 TOTAL EXISTING IMPERVIOUS AREA = 15992 SQ.FT. = 0.365 ACRES  
 TOTAL EXISTING NON-IMPERVIOUS AREA = 39830 SQ.FT. = 0.91 ACRES  
 TOTAL PROPOSED IMPERVIOUS AREA = 17899 SQ.FT. = 0.41 ACRES  
 TOTAL PROPOSED NON-IMPERVIOUS AREA = 37823 SQ.FT. = 0.87 ACRES  
 NET IMPERVIOUS ADDED = 2007 SQ.FT.

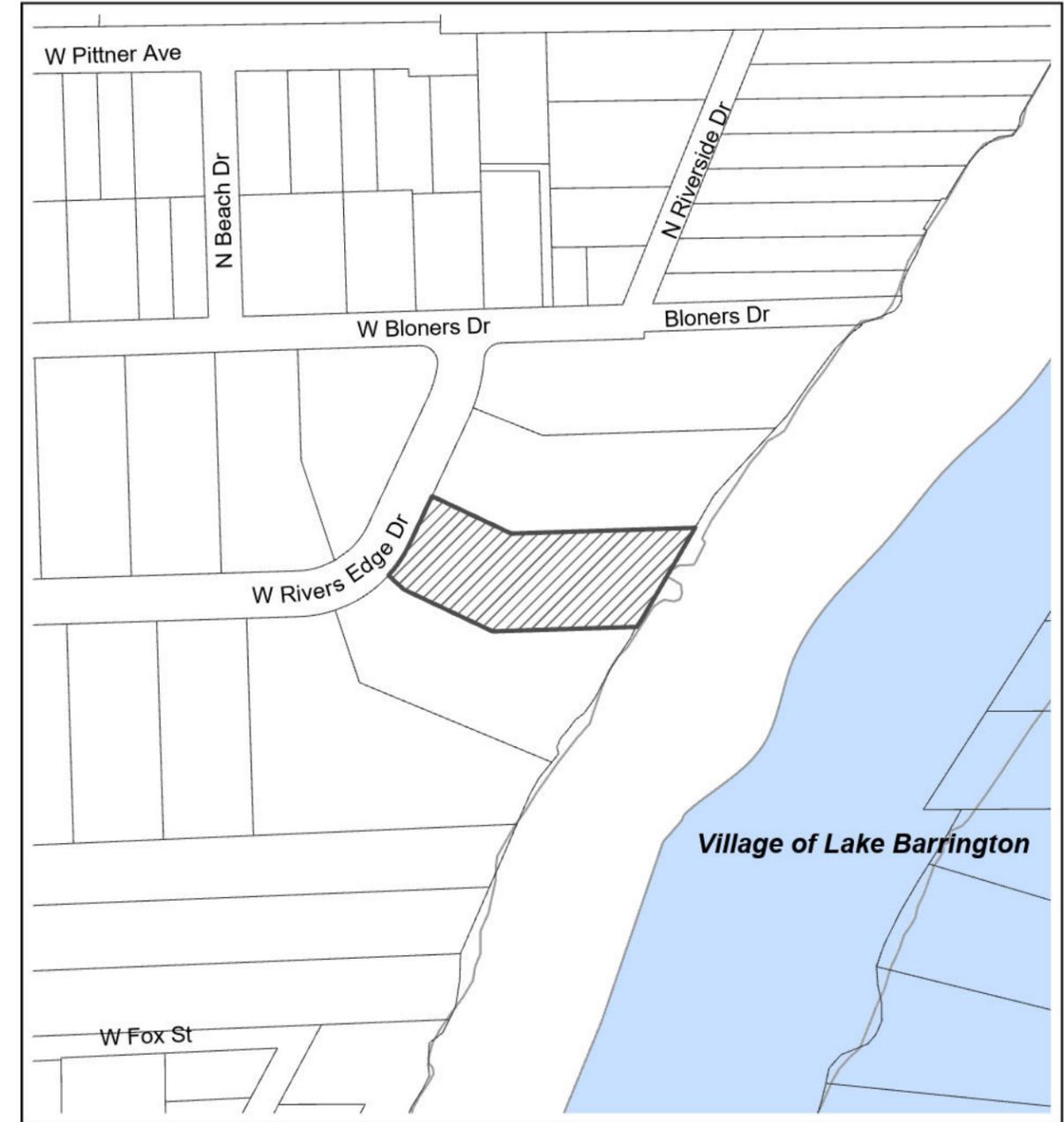
SYMBOL	LEGEND
⊙	SEWER MANHOLE
⊕	CATCH BASIN
⊖	AIR CONDITIONER
⊞	UTILITY BOX
⊟	MANHOLE

DESIGNED BY: MRS. J.M. FILE NO. 221258

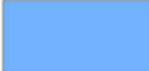
**POLENA ENGINEERING LLC**



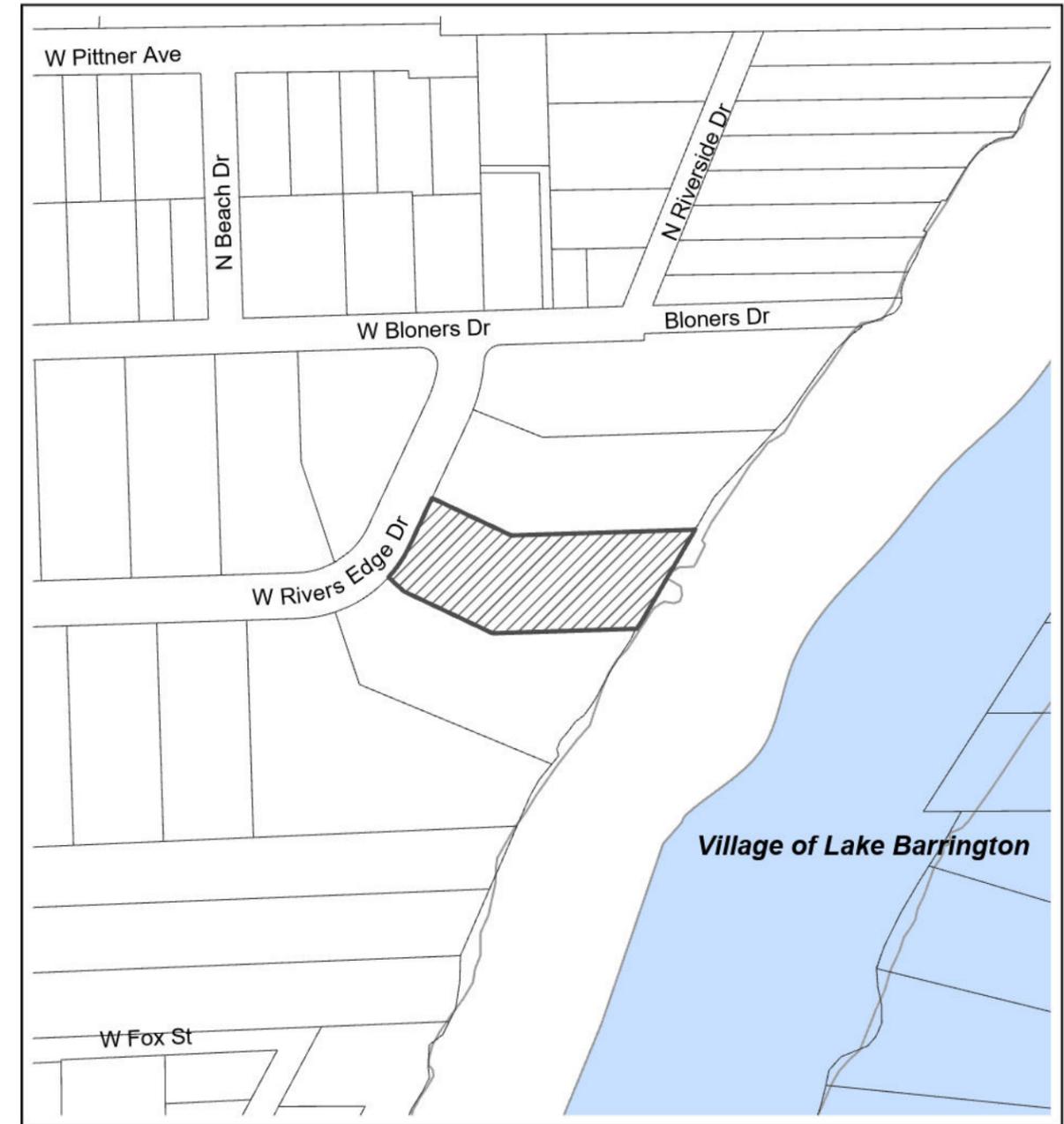
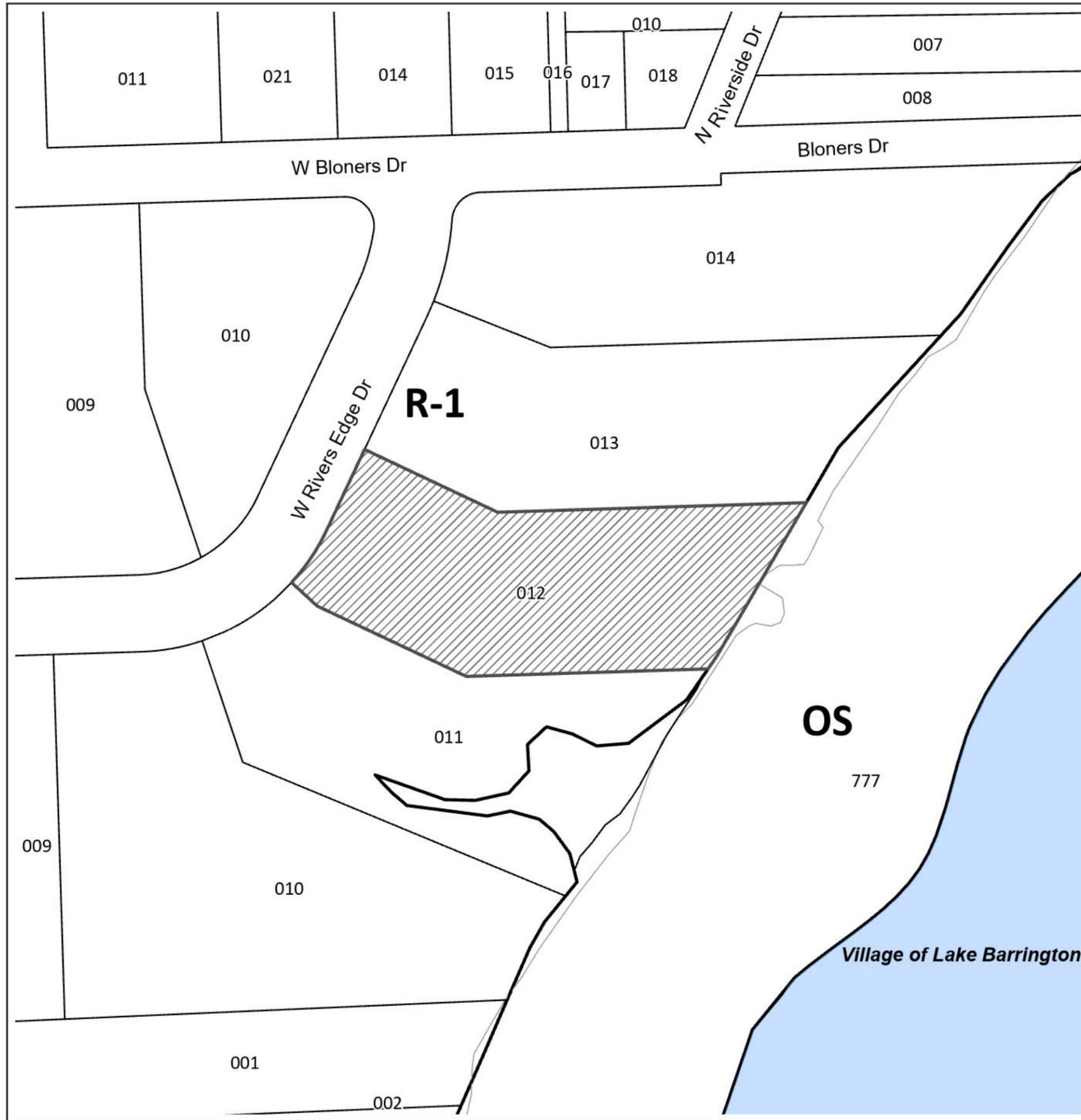
LEGEND  
 (M) = MEASURED DIMENSION  
 (P) = RECORD DIMENSION  
 (S) = SET IRON STAKE



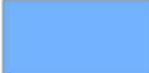
Zoning Board of Appeals  
Case # VAR-000941-2024

 Incorporated Lake County     Subject Parcel

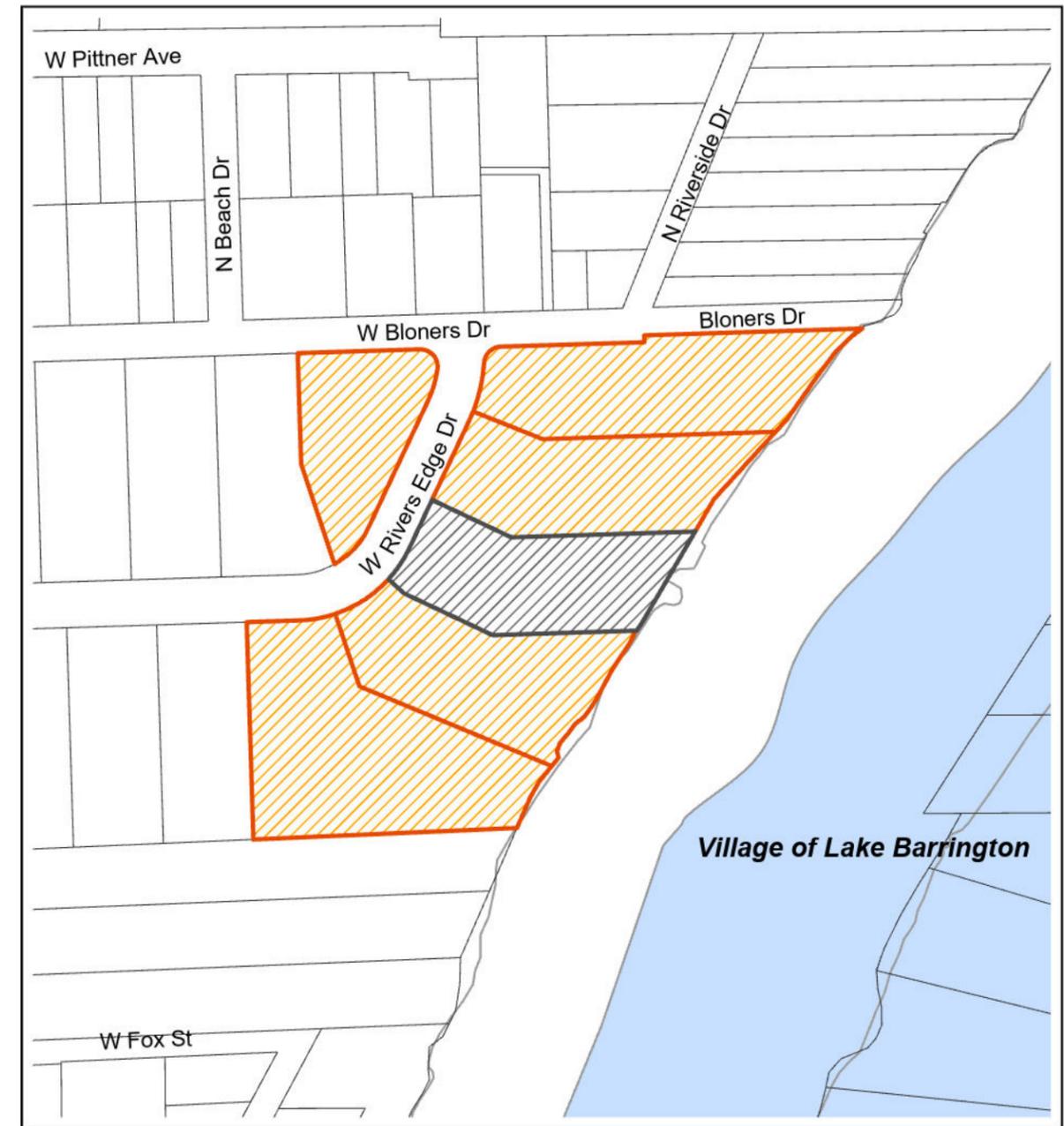
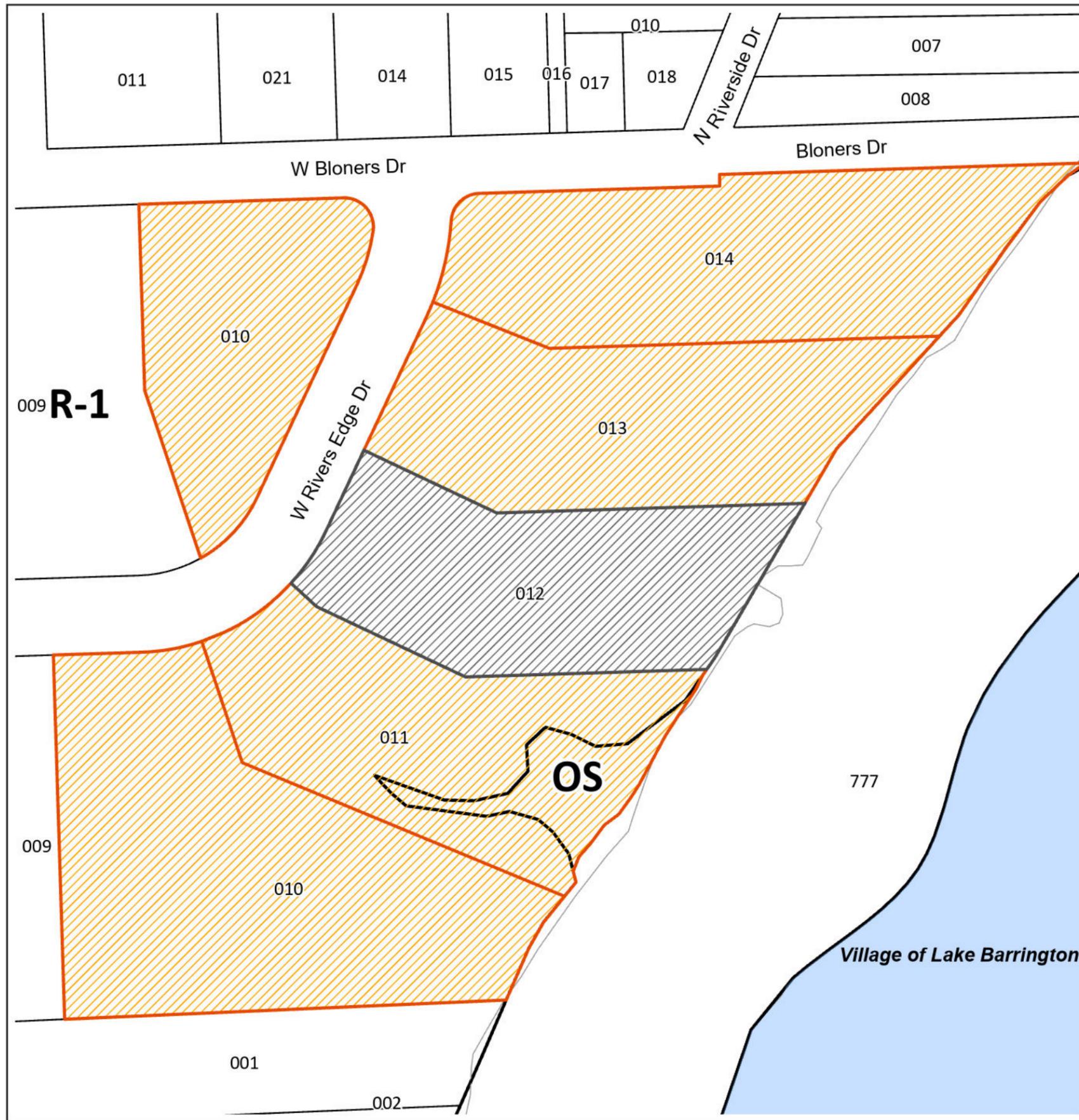
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Feet



Zoning Board of Appeals  
Case # VAR-000941-2024

 Incorporated Lake County     Subject Parcel





Zoning Board of Appeals  
Case # VAR-000941-2024

