



November 10, 2025

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

FROM: Natalia Fic, Planner
Lake County Department of Planning, Building, and Development

CASE NO: #001118-2025

HEARING DATE: November 13, 2025

REQUESTED ACTIONS: Variances from the requirements of the Lake County, Illinois Code of Ordinances (LCC) to:

- 1.) Reduce the side-yard setback from 6 feet to 0.2 feet, as measured to the outermost portion of the structure, to allow an existing attached open covered deck with wall.
- 2.) Increase the maximum height of a fence from 6 feet to 8 feet to allow for the construction of a fence along the western property line.

GENERAL INFORMATION

OWNER: Debra Howard

OF PARCELS: One

SIZE: 0.20 acres, per Lake County's Geographical Information Systems

LOCATION: 33016 N. Meadow Rd, Grayslake, IL

PIN: 0730323003

EXISTING ZONING: Residential-4 (R-4)

EXISTING LAND USE: Single family residence with detached garage and shed.

PROPOSED LAND USE: Single-family residence with detached garage, shed, and deck addition.

SURROUNDING ZONING / LAND USE

EAST:	Township Road (N Meadow Rd) and Residential-4 (R-4) / Single-Family Residential
NORTH:	Township Road (W Old Plank Rd) and Residential-4 (R-4) / Single-Family Residential
SOUTH:	Residential-4 (R-4) / Single-Family Residential
WEST:	Residential-4 (R-4) / Single-Family Residential

DETAILS OF REQUEST

ACCESS:	Direct access is provided via N. Meadow Rd.
NONCONFORMING LOT:	The subject property is a conforming lot as it meets the minimum lot area and width requirements of the R-4 zoning district.
FLOODPLAIN / WETLAND:	There are no mapped floodplain or wetland on the property.
SEPTIC AND WATER:	The subject property is serviced by Lake County public sewer and water.

ADDITIONAL COMMENTS

- The existing covered deck and wall were constructed without the required permits. As part of Administrative Adjudication case AA-015914-2024, the applicant is seeking to come into compliance by requesting a variance which could allow the improvements to remain.
- It appears the original deck stairs along the west property line have existed since at least 1998, as documented on a previous plat of survey, and encroached into the required side yard setback. At some point between purchase of the home in 1999 and present day, the applicant expanded the deck without the required permits. Since acquiring the property, the applicant has applied for and received building permits for a fence and a detached garage, both of which were inspected and approved by the department.

- Per Table 151.125(1) of the LCC, setback requirements for a principal residential structure on a conforming lot in the R-4 zoning district are a minimum of 30 feet from the street yards, 15 feet from the rear yard, and 6 feet from an interior side lot line. In this instance, the expanded deck is 0.2 feet from the west property line. In conventional developments, decks are permitted to encroach into the required setbacks provided that the encroachment does not exceed four feet and that the deck remains at least four feet from all lot lines. Therefore, the deck may be located no closer than four feet from the west property line.
- Per LCC 151.113 (1), the maximum height of walls and fences shall be six feet, or six feet six inches when the fence is required to be elevated due to the drainage requirement. In instances when greater height is deemed necessary to provide adequate visual screening, buffering and security, the Planning, Building and Development Director shall be authorized to allow a maximum fence or wall height of eight feet. However, the LCC allows this type of request to be deferred to the Zoning Board of Appeals (ZBA). Given the applicants are requesting additional relief from LCC requirements which are classified as major variations, the Director has also deferred this particular request to the ZBA.
- According to Assessment Records, the house was constructed in 1996.

STAFF COMMENTS

Andrew Heuser – Engineering Division

- The Engineering Division has no objection to the variances.
- A Site Development permit may be required.

Ieva Donev – Building Division

- Building Division has no objections to the proposed variance request.
- Building permit will be required. Note, current Building Codes in effect are 2024 IRC and 2023 NEC.
- No overhang shall extend beyond the wall.

Tony Dupree – Lake County Public Works

- Proposed variance will not affect any Lake County Public Works' assets.

RECOMMENDATION

In Staff's opinion, the variances as requested do not fully meet all of the approval criteria for variations specified in LCC Section 151.056 (C)(4). As such, Staff recommends denial of the variations for the following reasons:

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

Comment: **Variance Request 1:**

The subject property is a conforming lot in the R-4 zoning district. The house was constructed 6.57 feet from the west property line, which constrains the ability to expand the deck in a functional manner and provide a means of ingress/egress to the side door. Additional site limitations include intersection visibility requirements in conjunction with the required 30-foot setbacks along both W. Old Plank Road and N. Meadow Road. The applicant has an existing functional deck adjacent to the sun porch on the south and east sides of the house; however, the newly constructed covered roof and wall is located only 0.2 feet (approximately 2 inches) from the west property line.

Variance Request 2:

The applicant has requested a variance to construct an eight-foot-tall privacy fence extending approximately 16 feet south of the existing deck to provide additional screening and privacy from the adjacent property. The subject property is situated at a slightly lower elevation (approximately 797 feet) than the adjacent lot (approximately 800 feet), which also contains a second-story deck that directly overlooks the applicant's rear yard. These conditions increase the visibility between the two properties and diminish the effectiveness of a standard six-foot fence in providing privacy. While the elevation difference and adjacent deck create a somewhat atypical relationship between the two yards, they do not constitute an exceptional physical condition that restricts reasonable use or enjoyment of the property under the existing fence regulations.

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

Comment: **Variance Request 1:**

The applicant would like to retain use of the covered deck and privacy wall. However, a hardship may not be claimed when it arises from a self-created condition. While staff recognize the lot constraints and intersection visibility requirements, these physical conditions do not demonstrate a unique hardship that necessitates keeping the addition of a roof and wall over the deck so close to the property line. The property can continue to be reasonably used as a single-family residence with an attached deck without the addition of the covered wall that encroaches into the required six-foot setback.

Variance Request 2:

The applicant's ability to maintain privacy within the side yard is somewhat reduced due to the relative elevation difference and the neighboring second-story deck, which lessens the effectiveness of a standard six-foot fence. However, this limitation affects

only a portion of the yard and does not restrict the overall use or enjoyment of the property as a single-family residence. The practical difficulty created by these conditions relates primarily to a desire for increased privacy rather than a functional inability to comply with the regulations. Strict application of the six-foot height standard does not impose a particular hardship unique to the property or prevent its reasonable use.

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

Comment: **Variance Request 1:**

Attached decks are a customary accessory use to a single-family residence and are generally consistent with the character of the R-4 zoning district. However, the placement of the wall only 0.2 feet from the west property line may create long-term maintenance challenges and access issues for the neighboring property owner. While the addition itself is relatively small in scale and not readily visibly given the height, the location so near the property line is not in keeping with the purpose of setback regulations, which are intended to provide adequate separation between structures. Allowing the improvements to remain would negatively impact the neighboring property to the west.

Variance Request 2:

Fences are a reasonable and expected feature of residential properties. The proposed eight-foot privacy fence would be located entirely within the side yard and would only be partially visible from the public right-of-way along Old Plank Road. The potential impact would therefore be limited primarily to the immediately adjoining property to the west. While the additional height may appear more prominent when viewed from the neighboring yard, it would not adversely affect public views, light, air, or safety. Given the fence's limited length and location, its effect on surrounding property and the neighborhood as a whole would be minimal.

RECOMMENDED CONDITIONS

In the event the Board grants the proposed variances, staff recommends the following conditions:

1. The location of the open covered deck and wall shall be consistent with the site plan accompanying ZBA application #001118-2025.