



Gregory Koeppen  
Chair

500 W. Winchester Road, Suite 101  
Libertyville, Illinois 60048  
Phone 847-377-2600  
Fax 847-984-5608  
Email [pbdzoning@lakecountyil.gov](mailto:pbdzoning@lakecountyil.gov)

March 7, 2025

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

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

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CASE NO: #001049-2025

HEARING DATE: March 13, 2025

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

- 1.) Reduce the minimum lot size from 80,000 square feet to 40,095 square feet to allow for an accessory dwelling unit;
- 2.) Reduce the rear yard setback from 30 feet to 13 feet to allow for the construction of an accessory dwelling unit;
- 3.) Reduce the side yard setback from 13 feet to 8 feet and 6 inches to allow for the construction of an accessory dwelling unit;
- 4.) To allow the total gross floor area of an accessory structure to exceed the total gross floor area of the principal structure by 63 square feet.

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#### GENERAL INFORMATION

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OWNER: Trevore Meyer, as trustee of the Trevore Meyer Revocable Trust dated December 18, 2014 and Courtney Meyer as trustee of the Courtney Meyer Revocable Trust dated December 18, 2014, the beneficial interest of said trusts being held by Trevore Meyer and Courtney Meyer, record owners

# OF PARCELS: One

SIZE: 0.92 acres, per Lake County's Geographical Information Systems

LOCATION: 26165 N Orchard Rd, Barrington, Illinois  
PIN 09-33-403-004

EXISTING ZONING: Residential-1 (R-1)

EXISTING LAND USE: Single-family home

PROPOSED LAND USE: The applicant is proposing to construct an accessory structure which includes a garage and an accessory dwelling unit. The total floor area of the proposed accessory structure exceeds the total floor area of the existing principal structure.

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**SURROUNDING ZONING / LAND USE**

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NORTH: Residential-1 (R-1) / Single-Family Residential

SOUTH: Residential-1 (R-1) / Single-Family Residential

EAST: Residential-1 (R-1) / Common Open Space for the benefit of Riverside of Barrington Subdivision

WEST: Residential-1 (R-1) / Township Road (N Orchard Road) and Single-Family Residential

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**COMPREHENSIVE PLAN**

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LAKE COUNTY: Residential Single-family Medium Lot (1 to 3-acre lot density)

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**DETAILS OF REQUEST**

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ACCESS: Access is provided via N Orchard Rd.

CONFORMING LOT: The subject property is a conforming lot in the Residential-1 (R-1) zoning district.

FLOODPLAIN / WETLAND: The property contains no floodplain or wetlands.

SEPTIC AND WATER: The subject property is serviced by private septic system and well.

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**ADDITIONAL COMMENTS**

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- Lake County Code Section 151.113(D)(1)(a) specifies accessory dwelling units shall be an allowed accessory use to any allowed detached house use on lots in the R-1 zoning district with a minimum area of 80,000 square feet or more. The subject property has 40,095 square feet of lot area and does not meet this requirement.

- Lake County Code Section 151.113(D)(2)(a) specifies that accessory dwelling units shall be subject to all setback and impervious coverage standards that apply to principal structures in the underlying zoning district. Although the proposed location of the structure complies with the minimum setback requirements for accessory structures, it does not meet the principal structure setback standards.
  - Per Lake County Code Table 151.125(1), setback requirements for a principal residential structure on a conforming lot in the R-1 zoning district are 30 feet from the front lot line, a minimum of 13 feet from a side lot line with a total side-yard setback of 33 feet, and 30 feet from the rear lot line.
  - Per Lake County Code Section 151.113(C)(2)(a), setback requirements for an accessory structure on a conforming R-1 parcel is 30 feet from the front lot line and 6 feet from side and rear yards. On this subject parcel, there is a 10-foot utility easement along the rear lot line, therefore the rear yard setback is 10 feet.
  - Lake County Code Section 151.113(D)(4)(a) specifies an accessory dwelling unit shall contain no more than one bedroom and no more than 1,000 square feet of gross floor area. The proposed accessory dwelling unit meets these requirements.
- Lake County Code Section 151.113(B)(5) and (7) specifies: accessory uses and structures must be subordinate to the principal use and structure on the subject lot in terms of area, extent, and purpose; the total gross floor area of all accessory structures on a lot shall not exceed one and one-half times the total gross floor of the principal structure on the lot; and no more than three accessory buildings shall be located on a single parcel in a residential district. According to tax assessor records, the house appears to have 3,144 square feet of total floor area. The proposed accessory structure is 3,207 square feet, which exceeds the area of the principal structure by 63 square feet.

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#### **STAFF COMMENTS**

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Miriam Vega – Lake County Health Department

- The Health Department has no objection to the variance requests. A property alteration permit will be required.
- The accessory dwelling unit will require a fully compliant well and septic system.
  - The accessory unit may be connected to the existing well on the property, if the well is compliant.
  - To connect the accessory structure to the existing septic system, the square footage of the new structure may not exceed 50% of the total floor area of the existing structure or increase the number of existing bedrooms. Alterations with an increase in square footage above 50% or the addition of a bedroom may result in increased water usage. Thus, the septic system would be required to adhere to all new construction standards of Lake County Chapter 171. This would most likely result in the requirement to install a new septic system on this property.

Joel Krause – Engineering Division

- The Engineering Division has no objection to the requested variances.
- A site permit will be required.

- The rear eastern portion of the property consists of a low-lying area. It will need to be ensured that the new accessory structure does not adversely impact any neighboring properties regarding overland runoff. Existing drainage patterns will need to be maintained.

Ieva Donev – Building Division

- The Building Division has no objection to the requested variances.
- A building permit will be required.

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## RECOMMENDATION

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Although staff has no objection to an accessory dwelling unit on the subject property, as it supports the County's affordable housing goals and should have little to no foreseeable negative impact on the character of the neighborhood or adjacent properties, staff is nonetheless compelled to recommend denial of variance request #1 because, in staff's opinion, the request does not fully comply with the approval criteria. For variance requests #2, #3, and #4, in Staff's opinion, the requests do not meet the approval criteria and therefore recommend denial. Staff analysis of the requests follows below:

### **Zoning Variance Approval Criteria – LCC Subsection 151.056 (C)(4)**

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

Comment:

Variance Request 1:	The subject property is a conforming lot in the R-1 zoning district. The property has an existing septic system behind the existing dwelling, utilities and existing mature trees to the south of the dwelling, and a well in front of the dwelling making expansion of the existing home difficult. Despite those unique conditions, although an addition to the existing home would allow for more living area, it would not allow for a full accessory dwelling unit such as the one being proposed. There are no particular conditions peculiar to this lot that prevent it from being used as intended by code, as it is already improved with a single-family house and attached garage.
Variance Requests 2 & 3:	Although there are existing utilities and well and septic systems on the property, they should not adversely affect the proposed accessory structure from meeting the required setbacks for a principal structure in the R-1 zoning district. Placing the structure in the proposed location towards the rear of the property would preserve the mature trees to the south of the existing home but would also require the removal of the existing trees in the rear of the property abutting the common open space to the east.
Variance Request 4:	Although exceptional conditions do exist on the property, none of them limit the ability to construct one or more accessory structures that are subordinate in size to the principal residential structure.

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

Variance Request 1: Per Section 151.113 (D) of the Lake County Code, accessory dwelling units are permitted on R-1 zoning lots that are 80,000 sq. ft. or more. The subject property is only 40,095 sq. ft.

Section 151.005 Purpose and Intent (N) of the Unified Development Ordinance provides the following stated purpose of the Ordinance: "Providing standards for all types of dwelling units to ensure access to decent, sound, sanitary and affordable housing for renters and buyers in accordance with the goals of the Federal Housing Act of 1949, among which is the provision of adequate zoning to meet a fair share of the region's housing needs." The proposed use would be consistent with this goal, and staff further recognize the importance of allowing families to care for their aging parents. Nonetheless, the UDO currently requires a minimum lot size of 80,000 square feet for an accessory dwelling in the R-1 Zone and a single-family residence is considered a reasonable use on parcels below this acreage threshold. Hence, as the subject property already contains a single-family residential use, there is no particular hardship in adhering to the applicable regulations currently in effect.

Variance Requests 2 & 3: Although the proposed structure meets the setback requirements for an accessory structure, an accessory dwelling unit is required to meet principal structure setbacks. There do not appear to be any practical difficulties or particular hardships in meeting those setback requirements.

Variance Request 4: The portion of the proposed structure devoted to vehicle storage purposes is much larger than what is considered standard for a two-car garage in Lake County, which is 576 square feet. There is already an existing two-car attached garage on the subject property. In staff's opinion, there do not appear to be any practical difficulties or particular hardships for the proposed structure to meet the standards requiring the accessory structure to be subordinate to the principal residential structure

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

Variance Request 1: As previously mentioned, a stated purpose of the Ordinance is to provide a sufficient supply of affordable housing through zoning to support the region's housing needs. Accessory dwelling units are utilized increasingly as a zoning technique to help address this need, and the applicant's request would allow their extended family to live in close proximity to each other in a private setting with minimal impact to the surrounding neighborhood.

Variance Requests 2 & 3: The proposed structure is located in the rear of the property and should not be overtly visible to most neighbors. However, reducing the side and rear yard setback requirements may have adverse impacts on the adjacent property owner to the north and will place it in closer proximity to the existing common open space which has a trail near the eastern edge of the subject property for the benefit of the residents of the Riverside of Barrington subdivision.

Variance Request 4:

Allowing an accessory structure to exceed the size of the principal structure is not in keeping with the general purpose and intent of the zoning regulations. Although the structure will be located behind the existing house, by allowing the accessory structure to be larger than the principal structure, it could begin to adversely shift the character of the neighborhood to be more akin to agricultural or non-residential zoning districts.

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**RECOMMENDED CONDITION**

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In the event the Board decides to approve the proposed variances, staff recommend the following condition:

1. The location of the proposed accessory dwelling unit shall be consistent with the site plan and elevations accompanying ZBA application #001049-2025.