



April 3, 2025

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

FROM: Thomas Chefalo, Principal Planner  
Lake County Department of Planning, Building, and Development

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CASE NO: #001063-2025

HEARING DATE: April 10, 2025

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

- 1.) Reduce the side street setback from 30 feet to 24.4 feet, as measured from the eave, to allow for an addition to an accessory structure.

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#### GENERAL INFORMATION

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OWNER: KC Hilltop Properties LLC

# OF PARCELS: One

SIZE: 6.10 acres per Lake County's Geographical Information Systems

LOCATION: 28320 North Hilltop Terrace (AKA 22076 W IL Route 176)  
, Mundelein, IL 60060

PIN: 1021401006

EXISTING ZONING: Agricultural (AG)

EXISTING LAND USE: Residence and Landscaping business with accessory structures

PROPOSED LAND USE: The same as existing with an addition to one of the accessory structures.

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### **SURROUNDING ZONING / LAND USE**

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EAST:	Agricultural (AG) / Single-Family Residential
NORTH:	Agricultural (AG) / Single-Family Residential
SOUTH:	Hawthorn Woods/ Vacant farmland
WEST:	Agricultural (AG) / Single-Family Residential

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### **DETAILS OF REQUEST**

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ACCESS:	Direct access is provided via W. IL ROUTE 176
CONFORMING LOT:	The subject property is a conforming lot.
FLOODPLAIN / WETLAND:	The property contains mapped floodplain and wetland at the northwest side of the property.
SEPTIC AND WATER:	The subject property is serviced by private septic and well.

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### **ADDITIONAL COMMENTS**

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- The property contains a legal nonconforming landscape contractor's storage yard. The applicant has constructed an addition to the east side of an existing accessory structure. The work was completed without a permit and the property was cited for a violation.
- Per Table 151.125(1) of the LCC, the minimum street setback for a structure on a conforming lot is 30 feet. The side street setback for the private street is measured from the edge of the access easement that has been recorded on the parcel.
- A minor zoning variance is defined in Section 151.056(2) of the LCC as: A modification of 20% or less of any numeric standard (except those of §§ 151.070 through 151.072 and §§ 151.145 through 151.154) and except those that are administrative variance or are related to maximum allowed densities or building height shall be classified and may be processed as minor zoning variances.

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## STAFF COMMENTS

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Jeff Schrei – Lake County Health Department

- The Health Department has no objection to variance request.

Andrew Heuser – Engineering Division

- The Engineering Division has no objection to this variance. A site permit may be required for the project.

Hayden Greene – Building Division

- The Building Division has no objection to the variance request.
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## RECOMMENDATION

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Staff is compelled to recommend denial as the request does not fully meet the approval criteria for variations specified in Lake County Code Section 151.056(C)(4). The Staff recommendation is based on the following:

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

Comment: The property is constrained by mapped wetlands, floodplain, and steep slopes. However, a significant portion of the property is not encumbered by these constraints.

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

Comment: During discussions with the applicant, staff was told that the structure was in poor condition and had to be repaired. The east wall of the structure was close to failure. The applicant constructed the small addition to the east side of the building in addition to addressing the structural integrity of the structure.

However, repairs could have been made to the building without expanding its footprint and a small addition to that structure could have been completed on the west side of the building, outside of the setback, while having little impact on the existing use of or constraints located on the property.

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

Comment: The request is in harmony with the general purpose and intent of the zoning regulations. A reasonably sized accessory structure is considered appropriate for the beneficial use of

the landscaping business. Granting the variance request would have no significant impact on any of the adjacent properties, the use of the access easement, or the neighborhood and community character, and is in keeping with the intent of the zoning regulations.

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#### **RECOMMENDED CONDITION**

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

1. The location of the structure shall be consistent with the site plan accompanying ZBA application VAR-001063-2024.