



Zoning Board of Appeals

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Chair

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

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

CASE NO: VAR-000919-2023

HEARING DATE: November 14, 2023

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

1.) Allow a caretaker's residence to exceed 1,000 sq. ft.

2.) Allow a caretaker's residence to exceed one story.

GENERAL INFORMATION

PETITIONER: TLMV 24831 MILWAUKEE LLC, record owner

OF PARCELS: Two

SIZE: 4.0 acres, per Lake County GIS information

LOCATION: 24803 & 24831 N MILWAUKEE AVE VERNON HILLS, IL

PIN(s): 1510101007 & 1510101008

EXISTING ZONING: General Commercial (GC)

EXISTING LAND USE: Currently occupied by the proposed uses and associated caretaker's residence without required approvals (since 2019); previously the property and residential structure were vacant for a period of time.

PROPOSED LAND USE: Contractor's equipment sales or storage (outdoor), landscape contractor's storage yard, and truck/trailer parking (with associated caretaker's residence)

SURROUNDING ZONING / LAND USE

NORTH:	Village of Vernon Hills General Business (B1) /Single-family house
WEST:	Village of Vernon Hills Business Park (BP) /Office & Warehouse
SOUTH:	General Commercial (GC)/Retail Commercial
EAST:	Village of Mettawa Open Space (OS) /Des Plaines River & Forest Preserve

DETAILS OF REQUEST

ACCESS:	Access is provided from Milwaukee Ave. (IL Rt. 21)
CONFORMING LOT:	The subject property is a conforming parcel in the GC zoning district.
FLOODPLAIN / WETLAND:	The subject property contains a small area of floodplain and floodway immediately adjacent to the Des Plaines River. There is one identified wetland located in the southeast quadrant of the property.
SEPTIC AND WATER:	The property is served by a private septic system and well.

STAFF COMMENTS

Joel Krause – Engineering & Environmental Services Division

- The Engineering Division has no issues with this variation request.

Eva Donev – Building Division

Building Division has reviewed ZBA Case VAR-000919-2023 with the following comments:

- The Building Division has no objection to the variance request.
- Current building on the subject site shall not be occupied until the certificate of occupancy is issued.

Jeff Schrei – Lake County Health Department

- The Health Department has no issues with this variance request.

ADDITIONAL STAFF COMMENTS

According to assessment records the structure located on subject property was constructed in 1949. While it was initially constructed as a single-family home, it has also been used as a residence with a home occupation and separately as office space for a contractor's business.

The property's zoning was reclassified to GC from Urban in 2000 when the County adopted the current zoning ordinance. Single-family homes are not a permitted use in the GC zoning district per Section 151.111 of the LCC however, caretaker's residences are allowed as an accessory use to a permitted principal non-residential use in the district.

The use standards for caretaker's residence are specified in Section 151.113 (D) of the LCC, as follows.

- Maximum height: 30 feet – 1 story
- Caretaker's residences shall be an allowed accessory use to any allowed principal nonresidential use.
- No more than one caretaker's residence shall be allowed on a lot unless otherwise expressly allowed by this chapter or state law.
- Care-taker's residences shall be occupied exclusively by the caretaker and his or her immediate family.
- A care-taker's residence shall contain no more than 1,000 square feet of gross floor area.

The applicant began interior alterations to the structure without the required permits. The applicant has submitted a building application for the required building permits, however, to date, the permit has not been issued.

The applicants have allowed the structures to be leased without the alterations being approved by the Building Division or an approved final building inspection. A certificate of occupancy has not been issued for the structure.

RECOMMENDATION

Staff recommends approval for the variance request because, in staff's opinion, the request complies with the standards for variances in the following manner:

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

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

Comment –

The structure was constructed as a single-family house well before the current zoning code was adopted. It was used as a residence, then a residence with a home occupation and finally an office before it became vacant for an extended period. This discontinuation of the use invalidated the legal nonconforming status as a residential structure.

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

Comment –

During its existence on the lot, the structure has transitioned from residential use to commercial use and then became vacant. However, it has retained many of the amenities of a single-family structure and is better suited to that use than for commercial use.

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

Comment –

Caretaker's residences are permitted in the GC commercial zoning district. Other residential structures in the immediate vicinity of the structure have transitioned to commercial uses. According to assessment records, the structure is 1,340 sq. ft. and it is significantly smaller than the other commercial/residential structures along that portion of Milwaukee Ave. Approving the variance request would have no impact on the adjacent properties and would be in keeping of the general character of the area.

RECOMMENDED CONDITIONS

In the event the Board is inclined to grant the proposed variance requests, staff recommends the following conditions:

1. The location of the structure shall be consistent with the site plan and elevation drawings accompanying ZBA application #000919-2023.
2. The applicant must secure a certificate of occupancy for the property within one month of the approval of the variances.
3. If the commercial uses are not established or discontinued on the property, the use of the structure as caretaker's dwelling must also cease, and the structure remain unoccupied.