



Zoning Board of Appeals

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Chair

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August 26, 2022

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

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

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CASE NO: VAR-000808-2022

HEARING DATE: September 8<sup>th</sup>, 2022

REQUESTED ACTION:

- 1.) Allow an accessory structure to be constructed in a buffer yard.
- 2.) Reduce the side-yard setback from 6 feet to 5.6 feet to allow for the construction of an accessory structure.

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**GENERAL INFORMATION**

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PETITIONER: Igor and Iryna Dvorkin, record owners

# OF PARCELS: One

SIZE: 0.19 acres, per Lake County GIS information

LOCATION: 34092 N WOODDED GLEN DR GRAYSLAKE, IL

PIN(s): 0730213020

EXISTING ZONING: Residential-4 (R-4)

EXISTING LAND USE: A single-family residence

PROPOSED LAND USE: A single-family residence and detached accessory structure

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**SURROUNDING ZONING / LAND USE**

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EAST:	R-4/ Vacant
NORTH:	R-4/ Single family houses
SOUTH:	R-4/ Single family houses
WEST:	R-4/ HOA-owned open space

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**DETAILS OF REQUEST**

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ACCESS:	Access is provided from N. Wooded Glen Dr.
CONFORMING LOT:	The subject property is a conforming parcel in an Open Space Subdivision.
FLOODPLAIN / WETLAND:	There are no mapped wetlands or floodplain on the parcel.
SEPTIC AND WATER:	The property is served by public sewer and water.

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**STAFF COMMENTS**

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Andrew Heuser – Engineering & Environmental Services Division

- The Engineering Department has no issues with this variation request. However, this shed is within a public utility and drainage easement. Any modifications to the utilities by the grantees of the easement may require partial or complete removal of the shed.

David Modrzejewski – Building Division

- The Building Division has no objection to this request.

Brittany Sloan – Lake County Public Works

- LCPW has no objection to the request.

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### ADDITIONAL STAFF COMMENTS

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The applicant constructed the accessory structure without a permit. The property was subsequently cited with a code violation. The structure is located partially within a utility and drainage easement and a buffer yard.

The property is in the Wooded Glen Gardens Unit 2 Subdivision, which was platted as an Open Space subdivision in 1997. All the lots located on the east side of Wooded Glen Avenue include a 15-foot drainage and utility easement and a 10-foot buffer yard along their east rear property line.

At the time the subdivision was approved by the County Board, buffer yards were a required component of conservation subdivisions. Though located within individual lots under private ownership, the buffer yard areas were part of the subdivision's overall open space. Structures were not permitted to be built within or intrude into the buffer yard. The plat details the locations of the easements and buffer yard.

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### RECOMMENDATION

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Staff recommends denial of the variance requests because, in staff's opinion, the requests do not comply 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 –

Request 1 (buffer yard):

While the lot includes a 10-foot buffer yard and 15-foot utility and drainage easement that limits buildable area on the lot, this is not unique to the applicant's property. All the lots on the east side of Wooded Glen Ave. include the buffer yard and easement.

Request 2 (side yard setback):

There is no exceptional condition that would prevent the applicant from meeting the required side yard setback.

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

Comment –

Request 1 (buffer yard) and Request 2 (side yard setback):

There is no practical difficulty or particular hardship that would have prevented the applicant from either constructing a similarly sized addition to his home or constructing a similarly sized or smaller accessory structure in a location further to the interior of the lot that would meet all the required setbacks for the property.

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

Comment –

Conservation subdivisions are designed to optimize open space. In exchange for setting aside land devoted to open space, developers were granted a lot density bonus and features such as buffer yards were included as required components of the subdivision design. No accessory structures have been permitted in the buffer yards of the Wooded Glan Gardens subdivision. To do so in the future would not be in harmony with the intent of the conservation subdivision regulations and create a precedent for future applications.

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#### **RECOMMENDED CONDITION**

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

1. The location of the structure shall be consistent with the site plan and elevation drawings accompanying ZBA application #000808-2022.