



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 Department of Planning, Building and Development

CASE NO: #VAR-000728-2021

HEARING DATE: April 28, 2022

REQUESTED ACTION: Reduced the rear yard setback from 30 feet to 10.54 feet to allow for the conversion of an accessory structure into an accessory dwelling unit.

GENERAL INFORMATION

OWNERS: Andrew B. and Kwangae Jun, record owners

OF PARCELS: One

SIZE: 1.87 acres or 81,354.64 sq. ft., per Lake County GIS information

LOCATION: 2088 BOB O LINK LN. LIBERTYVILLE, IL

PIN: 1106401002

EXISTING ZONING: Estate (E)

EXISTING LAND USE: A residence and one accessory structure

PROPOSED LAND USE: A residence and an accessory dwelling unit

SURROUNDING ZONING / LAND USE

EAST:	E/ single family house
NORTH:	RE/ single family house w/agriculture
SOUTH:	E/ single family houses
WEST:	OS/ single family house and open space

DETAILS OF REQUEST

ACCESS:	Access is provided from Bob O Link Lane.
CONFORMING LOT:	The subject property is a conforming lot in the E zoning district.
FLOODPLAIN / WETLAND:	There are mapped wetlands on the property and no floodplain.
SEPTIC AND WATER:	The property is served by private septic and well.

STAFF COMMENTS

David Modrzejewski – Building Division

- The Building Division does not have any issues with the variance request.

Jeff Bixler – Health Department

- The Health Department does not have any issues with the variance request.

ADDITIONAL STAFF COMMENTS

1. According to the Assessor's office, the accessory structure was built in 1998.
2. Sometime after 1998, the previous owner converted the structure into an office for a contractor's business. This was done without the required building permits or zoning approvals.
3. The applicant converted the structure into an accessory dwelling unit several years ago. A violation was recently posted on the property because the applicant did so without the required building permits or zoning approvals.
4. In the Estate zoning district, an accessory dwelling would be allowed on the parcel by right.
 - Accessory dwelling units are permitted in the Estate zoning district on parcels of 80,000 square feet or more.
 - Accessory dwelling units are required to meet the principal structure setbacks, which are 30 feet for the front and rear. The side yard setback is 19 feet.
 - Accessory dwelling units may be no greater than 1,000 square feet and are limited to 1 bedroom and story.
5. The structure floor plan included with the application is 1,142.6 sq. ft. The applicant has agreed to remove the screened porch thereby reducing the structure's area by 164 sq. ft.

RECOMMENDATION ON VARIANCE

Staff recommends approval for the variance request. In Staff's opinion, the variance 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 residence and existing accessory structures have been in place for many years. The lot is served by a septic system and constrained by wetlands. The remaining area that is not constrained by wetlands and suitable for locating a new structure that meets the required setbacks would entail the relocation of all or a portion of the septic system.

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

Comment –

An accessory dwelling unit would be permitted on the parcel under current standards of the Lake County Code of Ordinances. Though it would be possible, it would be impractical to remove the rear 20 feet from the existing structure so it would meet the required rear yard setback. This would significantly reduce the area of the structure.

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

Comment –

The accessory structure has been in its current configuration since at least 2000. The applicant is only proposing interior alterations to the structure, and its footprint will not be expanded.

Approving the variance request would bring the structure into conformity with the setback requirements of the Estate zoning district. Accessory dwelling units are allowed in the Estate zoning district on parcels greater than 80,000 sq. ft.

In addition, the rear yard of the applicant's lot abuts an open field, and, at its rear, the structure is over 450 feet from the closest neighboring house to its north.

Approving the request would pose no discernable hardship to adjacent property owners or the neighborhood and is appropriate to the neighborhood character.

RECOMMENDED CONDITION OF APPROVAL

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

1. As accessory dwelling units are permitted at no greater than 1,000 sq. ft, the screened porch shall be removed to reduce the area of the structure to below 1,000 sq. ft.
2. There shall be no expansion of the structure beyond its existing footprint and height.