LAKE COUNTY ZONING NOTICE VAR-000774-2022

Fremont Township

The Lake County Zoning Board of Appeals has scheduled a public hearing at 9:00 AM on Thursday June 2, 2022 at the Central Permit Facility, 500 W. Winchester Rd., Libertyville, Illinois on the petition of Samuel and Dawn Vavra, record owners, who seeks the following variation from the requirements of the Lake County Code and any other zoning relief as required:

1. Increase the maximum allowed height of a retaining wall from 6 feet to 12 feet.

Please note that quantitative values may be subject to minor alterations due to surveyed conditions. The subject property is located at 26649 and 26655 N OAKDALE LN MUNDELEIN, IL and is approximately 0.26 acres.

PIN:1036200002, 1036202135

This application is available for public examination online at https://www.lakecountyil.gov/calendar.aspx?EID=10363 or at the office of the Lake County Zoning Board of Appeals, 500 W. Winchester Rd, Libertyville, Illinois, attn: Thomas Chefalo, Project Manager 847-377-2120

Gregory Koeppen Chair

LAKE COUNTY ZONING BOARD OF APPEALS

VARIATION APPLICATION

Applicant(s): (please print)	Samuel Va Owner(s)	wra.
Subject Property:	Present Zoning: Present Use: Proposed Use: PIN(s): Address:	R3 R3 1036202135 26649 N. Oakdde Lone, Mundekis IL 60060
	Legal description: (see deed)	
		tion(s) are requested:
3		
Slope of land	house. The stands home and yard	ry: ep From 12 higherat the Front house than the maintenance.

Variation Application

Requested Variation:

- 1. Height of the retaining wall requirement be increased from 6' to 12' along the east elevation of the property 25' long to meet the "Standards for Variations" contained in Section 3.13 in the following manner for Pin 1036202135 (the narrow lot):
 - Exceptional conditions peculiar to all 3 properties: a. Standard 1:
 - i. These properties have steep slopes (>8%", which require retaining wall to control erosion and storm water runoff. The topography of the properties justifies the requested variation for retaining walls.
 - ii. The change in elevation across the property is 12' (north to south. The topography makes retaining walls necessary and in a condition that justifies the variation.
 - iii. This provides a flat area beside the house planted with grass to help absorb and retain as much water runoff as possible.
 - iv. The retaining walls also insulate the basement foundation walls (without this the basement sweats and causes mold).
 - v. We did not want the retaining walls to protrude into the far east lot (26657 N. Oakdale), because this lot will be used for future home construction.
 - Practical difficulties or particular hardship in carrying out the strict b. Standard 2: letter of the regulation:
 - i. Without the variation, there would be no erosion control and stormwater runoff. The need to protect both properties with a shared retaining wall system that otherwise cannot be constructed without the variation is a practical difficulty.
 - ii. Without the variation, the Vavra's would not be able to protect the east side of his house from stormwater runoff. The steepness of the topography, and the need to direct stormwater away from the house and into the rear yard, is a practical difficulty that justifies the variation.
 - iii. It provides a flat area rather than a steep slope beside the house wide enough for the use of ladders or scaffolding for regular home maintenance (cleaning gutters, washing windows, painting siding, lawn maintenance, ect...).
 - iv. The width of the flat area constructed is needed due to the safety while using ladders during home maintenance.
 - v. The basement is insulated now due to the retaining wall and backfill design and the sweating on the inside of the basement has finally stopped.
 - vi. Stairs are installed beside the retaining wall for accessibility to the rear portion of the lots and house for firemen and other emergence personel.
 - Harmony with the general purpose and intent of the zoning c. Standard 3: regulations.

i. The property owners, Samuel Vavra, has constructed a system of shared retaining walls between his properties with will maximize erosion and stormwater control. By promoting property protection the variation is in harmony with the purpose and intent of the regulations.

ii. The owners have stormwater/drainage system on the east side of the property to provide protection to the house and neighboring houses. Retaining walls that extend to the property lines are an important component of this system. Providing protection to the Vavra's house and adjoining properties complies with the purpose and intent of the regulations and justifies the variation.

iii. The wall being built taller than 6' has been engineered, sealed, and stamped by a registered engineer which provides proof of safety.

iv. There is a 1' offset at the 6' height which we intend to secure potted plants and outdoor solar lighting.

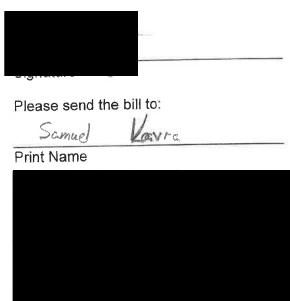
v. All layers of retaining wall have an offset of greater than 3" sloping back toward the house for safety. This provides a total of 3' horizontal change from top to bottom of the east elevation wall.

vi. Railings will be installed for safety at the top of the retaining wall and along the stone stairs.

COURT REPORTER AGREEMENT CHECK ONE OF THE FOLLOWING:

I authorize the County to act on my behalf to retain a Certified Shorthand Reporter to transcribe the public hearing and provide a transcript to the Zoning Board of Appeals. I further agree to pay the Reporter reasonable fees for his/her services. If I do not pay the Reporter and the County is invoiced and pays the Reporter, I agree to reimburse the County. If the County sues to obtain reimbursement, I agree to pay the County its reasonable attorney's fees in bringing suit and obtaining a judgment.
attorney's fees in bringing suit and obtaining a judgment.

I will furnish a Certified Shorthand Reporter to transcribe the public hearing and provide a transcript to the Zoning Board of Appeals. I realize that the failure to do so may result in the continuation of the public hearing in which case I agree to reimburse the County for all
additional expenses caused by such continuation.



THIS SIGNED AGREEMENT MUST ACCOMPANY YOUR APPLICATION



Lake County IL Recorder Mary Ellen Vanderventer Recorder

File 7740964

Br 20-6065 K グライシ

WARRANTY DEED

THE GRANTOR, Bryan T. Hogan, a widower, of the Village of Mundelein, County of Lake, State of Illinois, for and in consideration of Ten and 00/100 (\$10.00) Dollars, and other good and valuable considerations in hand paid, CONVEY and WARRANT to

Samuel Vavra of 26649 N. Oakdale In, Mundelein, IL 60060

the following described Real Estate situated in Lake County, Illinois, to wit:

The East 1/2 of Lot 7 in Block 1 in West Shore Park Subdivision, of that part of the East 1/2 of the Northwest 1/4 lying East of the Center line of the Public Road (except the South 394 feet thereof) and the West 1/2 of the Northeast 1/4 all in Section 36, Township 44 North, Range 10 East of the Third Principal Meridian, according to the plat thereof recorded October 18, 1923 as document 231127, in Book "M" of plats, pages 26 and 27, in Lake County, Illinois.

hereby releasing and waiving all rights under and by virtue of the Homestead Exemption Laws of the State of Illinois.

SUBJECT TO: covenants, conditions and restrictions of record, and to General Taxes for 2020 and subsequent years

Street address: 26655 N. Oakdale Lane

City, state, and zip code: Mundelein, IL 60060 Real estate index number: 10-36-202-135

The grantor has signed this deed on July 30, 2020.

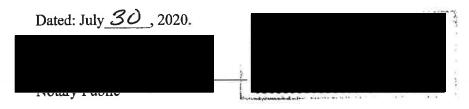


Instrument No: 20-Jan-2021 Date:

File Number: 7740964 Page 1 of 2 STATE OF ILLINOIS)
) ss.

LAKE COUNTY)
COOK

I am a notary public for the County of Lake and State of Illinois. I certify Bryan T. Hogan, personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me on the date below and acknowledged that he signed and delivered the instrument as his free and voluntary act, for the uses and purposes therein set forth, including the release and waiver of the right of homestead.



This instrument was prepared by:

Joseph G. Haffner

Mail To and Send Subsequent Tax Bills To: Sam Vavra 26649 N Oakdale Lane Mundelein, IL 60060

Mail To: Proper Title, LLC 1530 E. Dundee Rd. Ste. 250 Palatine, IL 60074

File Number: 7740964 Page 2 of 2



SPECIAL WARRANTY DEED

THE GRANTOR, INTERLACKEN CONSTRUCTION COMPANY, an Illinois Corporation, of 14044 W. Patronella, Suite 6, Libertyville, Illinois, for and in consideration of Ten and No/100 Dollars (\$10.00), in hand paid, does hereby grant, bargain and sell to the Grantee, Samuel T. Vavra and Dawn M. Vavra, husband and wife, as Joint Tenants with the rights to survivorship, of 9228 Crescent Drive, Franklin Park, IL 60131, all interest in the Real Estate situated in the County of Lake in the State of Illinois, described on Exhibit A,



Image# 042522630008 Type: DW Recorded: 12/04/2007 at 09:13:59 AM Receipt#: 2007-00057576 Total Amt: \$803.50 Page 1 of 6 IL Rental Housing Fund: \$10.00 Lake County IL Recorder Mary Ellen Vanderventer Recorder

F1106276666

To Have and To Hold said premises forever. Said property is not homestead property.

Subject to: those matters stated on Exhibit B which is attached hereto and is incorporated herein by reference.

The property described herein is also conveyed subject to and the Grantor reserves the right for the Grantor to create utility easements outside the building envelope on the property established by applicable County zoning ordinances, to such extent and on such terms as may be reasonable, for the benefit of the two residential parcels immediately to the west, known as 26633 Oakdale Lane, Mundelein, IL, permanent index number 10-36-100-027 ("parcel one") and 26641 Oakdale Lane, Mundelein, IL, permanent index number 10-36-100-028 ("parcel two"), as more fully described on Exhibit C which is attached hereto and incorporated herein by reference. The Seller also covenants that it will allow any such utility easements created by the Grantor hereunder to also encumber the areas of Parcel One and Parcel Two outside the building envelopes on such parcels established by applicable County zoning ordinances, to such extent and on such terms as may be reasonable, for the benefit of the property conveyed to the Grantee hereunder. All rights and obligations established by this paragraph shall terminate, after the Grantor has acquired record title to both Parcel One and Parcel Two, at such time as the Grantor no longer holds record title to either Parcel One or Parcel Two. The rights and obligations of the Grantor under this paragraph shall pass to successors of the Grantor but shall not run with the land and shall not apply to any grantee from the Grantor of record title to either Parcel One or Parcel Two.

And the said Grantor, for itself and its successors, does covenant, promise and agree to and with the said Grantee, and successors, that it has not done or suffered to be done anything whereby the said premises hereby granted are, or may be, in any manner encumbered or charged, except as recited herein, and that it WILL WARRANT AND DEFEND the said premises against all persons lawfully claiming, or to claim the same, by, through or under said Grantor, but against no other person, subject to those matters recited herein.

DATED: November 21, 2007

Interlacken Construction Company,

B Mark Loeb, President

STATE OF <u>| LLINDIS</u>) SS COUNTY OF <u>LAKE</u>)

The foregoing instrument was acknowledged before me on 21 day of NOVEMBER 2007 by MARK LOEB.

NOTARY PUBLIC

COMMISSION EXPIRES: 8 3 09

This instrument prepared by:

Raymond C. Gerard Attorney at Law

PLEASE MAIL TO:

Lawrence P. Seiwert Attorney at Law

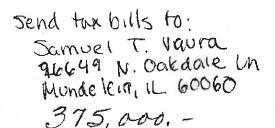




EXHIBIT A

LEGAL DESCRIPTION

THAT PART OF THE NORTH HALF OF SECTION 36, TOWNSHIP 44 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS, TO WIT: COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 36; THENCE SOUTH 53 DEGREES 18' 53" WEST, 3162.91 FEET TO THE INTERSECTION OF THE SOUTH LINE OF OAKDALE LANE SOUTH WITH THE WEST LINE OF GROVE TERRACE; THENCE SOUTH 77 DEGREES 58' 43" WEST, 75.00 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE SOUTH 12 DEGREES 03' 38" EAST, 150.21 FEET; THENCE SOUTH 82 DEGREES 03' 50" WEST, 50.13 FEET; THENCE NORTH 12 DEGREES 03' 38" WEST,146.64 FEET TO THE SOUTH LINE OF OAKDALE LANE SOUTH; THENCE NORTH 77 DEGREES 58' 43" EAST, 50.00 FEET TO THE POINT OF BEGINNING, FORMERLY KNOWN AS THE EAST HALF OF LOT 6 AND THE WEST HALF OF LOT 7, AND LOCATED WITHIN BLOCK 1, WEST SHORE PARK SUBDIVISION.

Address(es) of Real Estate: 26649 North Oakdale Lane, Mundelein, IL 60060

Permanent Real Estate Index Number(s): 10-36-200-002-0000

EXHIBIT B

ENCUMBRANCES

- 1. DECLARATION OF PARTIAL VACATION OF PLAT MADE BY CHICAGO TITLE AND TRUST NUMBER 1065478 RECORDED ON DECEMBER 22, 2005 AS DOCUMENT NUMBER 5919504 IN LAKE COUNTY ILLINOIS. TICOR TITLE INSURANCE COMPANY DOES NOT INSURE THE EFFECTIVENESS OF THIS DOCUMENT TO REMOVE THE LAND FROM WEST SHORE PARK SUBDIVISION.
- 2. COVENANTS AND RESTRICTIONS (BUT OMITTING ANY COVENANTS OR RESTRICTIONS, IF ANY, BASED UPON RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, FAMILIAL STATUS, MARITAL STATUS, DISABILITY, HANDICAP, NATIONAL ORIGIN, ANCESTRY, OR SOURCE OF INCOME, AS SET FORTH IN APPLICABLE STATE OR FEDERAL LAWS, EXCEPT TO THE EXTENT THAT SAID COVENANT OR RESTRICTION IS PERMITTED BY APPLICABLE LAW), CONTAINED IN THE DOCUMENT RECORDED MARCH 6, 1926 AS DOCUMENT NO. 333012 WHICH DOES NOT CONTAIN A REVERSIONARY OR FORFEITURE CLAUSE.
- 3. ATTENTION IS DIRECTED TO ORDINANCES BY THE COUNTY OF LAKE, ONE RECORDED AS DOCUMENT NUMBER 2323039, AND OTHERS RECORDED FROM TIME TO TIME, RELATING TO PAYMENT OF CERTAIN CHARGES AS A CONDITION PRECEDENT OT PERMISSION TO TAP INTO A SEWER OR WATER SYSTEM, SAID INSTRUMENTS SHOULD BE CONSIDERED WHEN DEALING WITH THE LAND INSURED HEREIN.
- 4. EASEMENT IN FAVOR OF THE COMONWEALTH EDISON COMPANY, THE ILLINOIS BELL TELEPHONE COMPANY, NORTH SHORE GAS COMPANY, AND COMCAST CABLE, AND ITS/THEIR RESPECTIVE SUCCESSORS AND ASSIGNS, TO INSTALL, OPERATE AND MAINTAIN ALL EQUIPMENT NECESSARY FOR THE PURPOSE OF SERVING THE LAND AND OTHER PROPERTY, TOGETHER WITH THE RIGHT OF ACCESS TO SAID EQUIPMENT, AND THE PROVISIONS RELATING THERETO CONTAINED IN THE GRANT RECORDED/FILED AS DOCUMENT NO. 6170383, AFFECTING THE NORTHWESTERLY 12 FEET OF THE LAND.
- 5. ORDINANCE RECORDED NOVEMBER 24, 1971 AS DOCUMENT NUMBER 1534229 ESTABLISHING RATES, FEES AND CHARGES FOR USE AND SERVICE OF THE DIAMOND LAKE AREA SANITARY SEWAGE SYSTEM.
- 6. TERMS AND CONDITIONS CONTAINED IN THE WEST SHORE PARK CORPORATION AS DISCLOSED BY BYLAWS DATED MARCH 18, 1984 AND RECORDED DECEMBER 20, 1991 AS DOCUMENT 3095962.

EXHIBIT C

LEGAL DESCRIPTION OF PARCEL ONE

THAT PART OF THE NORTH HALF OF SECTION 36, TOWNSHIP 44 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 36, THENCE SOUTH 53 DEGREES 18 MINUTES 53 SECONDS WEST 3162.91 FEET TO THE INTERSECTION OF THE SOUTH LINE OF OAKDALE LANE SOUTH WITH THE WEST LINE OF GROVE TERRACE; THENCE SOUTH 77 DEGREES 58 MINUTES 43 SECONDS WEST, 175.00 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE SOUTH 12 DEGREES 00 MINUTES 54 SECONDS EAST, 143.06 FEET; THENCE SOUTH 82 DEGREES 03 MINUTES 50 SECONDS WEST, 50.13 FEET; THENCE NORTH 12 DEGREES 00 MINUTES 54 SECONDS WEST 139.49 FEEET TO THE SOUTH LINE OF OAKDALE LANE SOUTH; THENCE NORTH 77 DEGREES 58 MINUTES 43 SECONDS EAST, 50.00 FEET TO THE POINT OF BEGINNING FORMERLY KNOWN AS THE EAST HALF OF LOT 4 AND THE WEST HALF OF LOT 5 IN BLOCK ONE IN WEST SHORE PARK SUBDIVISION, IN LAKE COUNTY, ILLINOIS.

Address:

26633 Oakdale Lane, Mundelein, IL, 60060

PIN:

10-36-100-027

LEGAL DESCRIPTION OF PARCEL TWO

THAT PART OF THE NORTH HALF OF SECTION 36, TOWNSHIP 44 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS, TO WIT: COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 36; THENCE SOUTH 53 DEGREES 18' 53" WEST, 3162.91 FEET TO THE INTERSECTION OF THE SOUTH LINE OF OAKDALE LANE SOUTH WITH THE WEST LINE OF GROVE TERRACE; THENCE SOUTH 77 DEGREES 58' 43" WEST, 125.00 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE SOUTH 12 DEGREES 00' 54" EAST, 146.64 FEET; THENCE SOUTH 82 DEGREES 03' 50" WEST, 50.13 FEET; THENCE NORTH 12 DEGREES 00' 54" WEST, 143.07 FEET TO THE SOUTH LINE OF OAKDALE LANE SOUTH; THENCE NORTH 77 DEGREES 58' 43" EAST, 50.00 FEET TO THE POINT OF BEGINNING, FORMERLY KNOWN AS THE EAST HALF OF LOT 5 AND THE WEST HALF OF LOT 6, AND LOCATED IN BLOCK 1, WEST SHORE PARK SUBDIVISION, IN LAKE COUNTY, ILLINOIS.

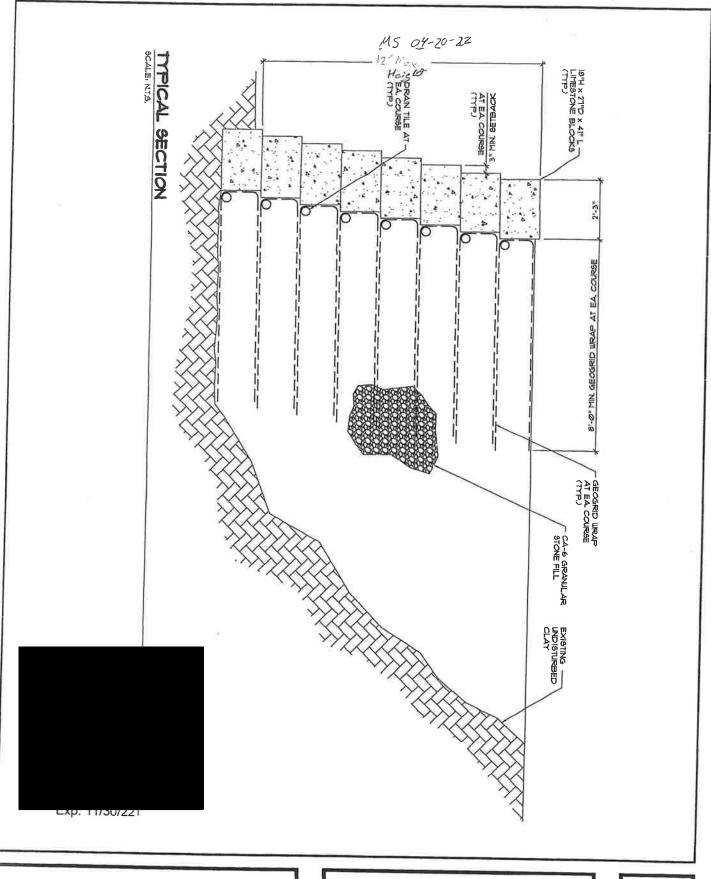
Address:

26641 Oakdale Lane, Mundelein, IL, 60060

PIN:

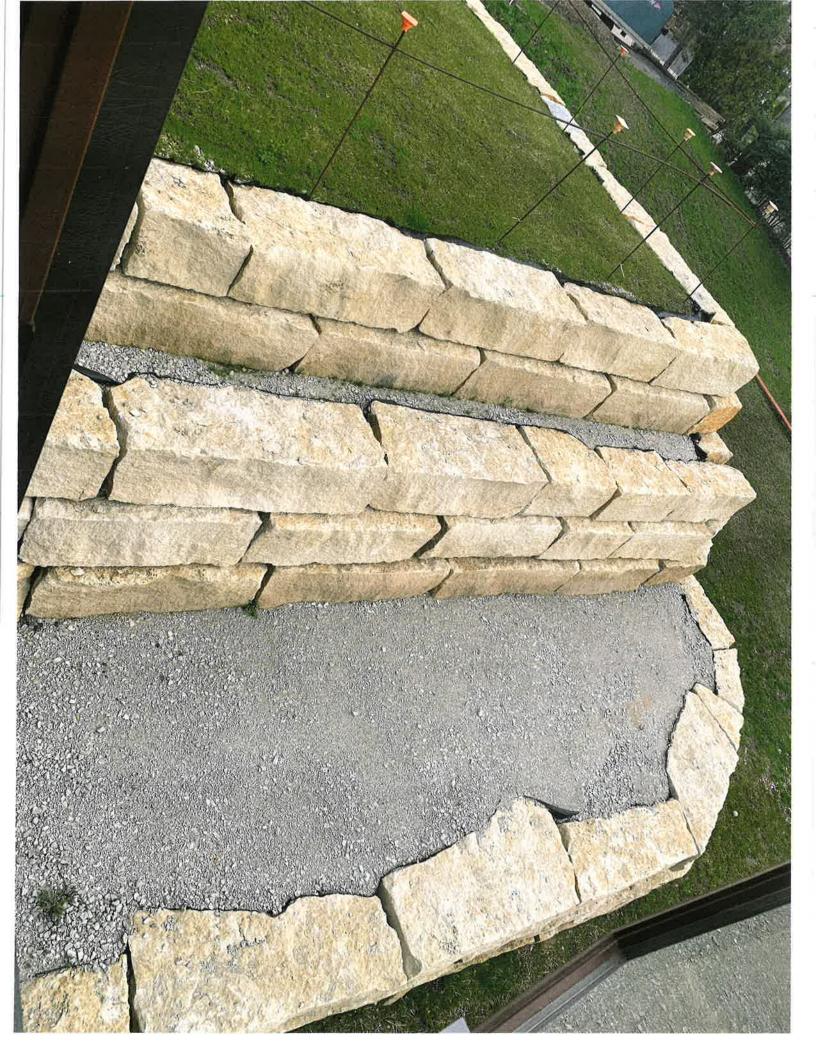
10-36-100-028

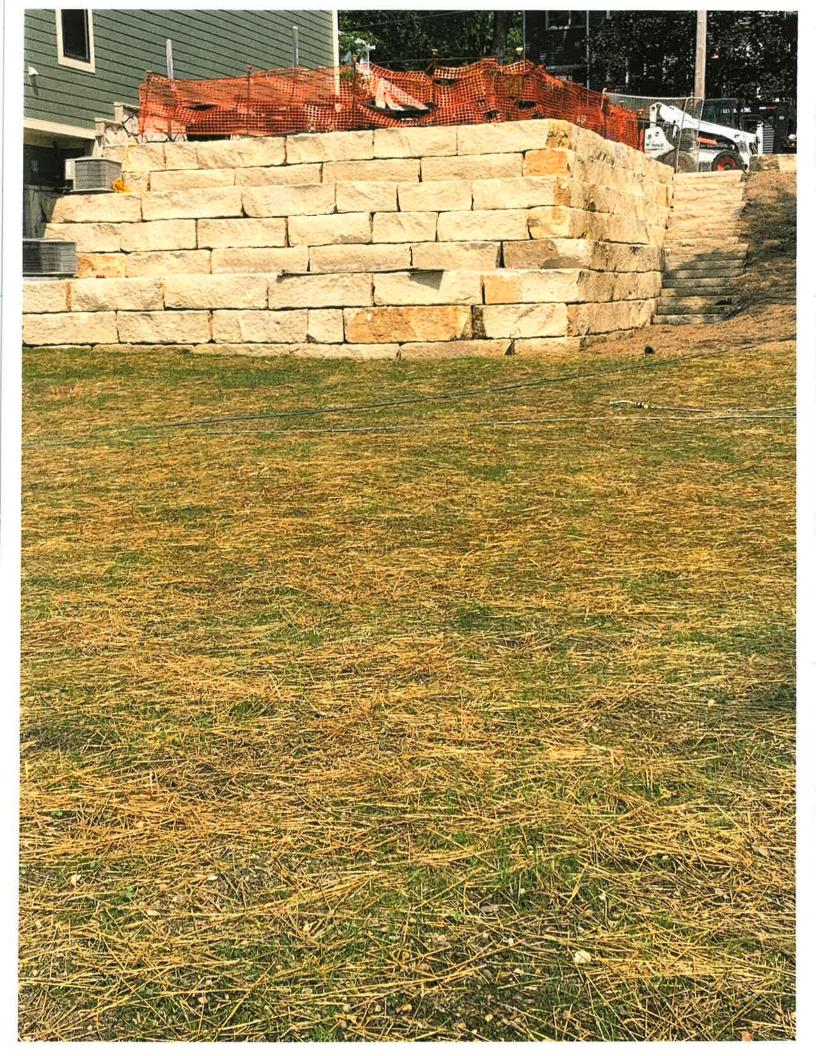
STATE OF ILLINOIS)
COUNTY OF) SS.
PLAT ACT AFFIDAVIT
The undersigned, being duly sworn on eath, states that he is the President of Interlacken Construction Co., an Illinois corporation and grantor in the attached deed and that said deed is not in violation of 765 ILCS 205/1, as the provisions of this Act do not apply and no plat is required in such instance as is indicated below:
_x The conveyance made by said deed causes no subdivision of land; or
 The division or subdivision of land into parcels or tracts of 5 acres or more in size which does not involve any new streets or easements of access;
 The division of lots or blocks of less than 1 acre in any recorded subdivision which does not involve any new streets or easements of access;
3. The sale or exchange of parcels of land between owners of adjoining and contiguous land;
4. The conveyance of parcels of land or interests therein for use as a right of way for railroads or other public utility facilities and other pipe lines which does not involve any new streets or easements of access;
 The conveyance of land owned by a railroad or other public utility which does not involve any new streets of easements of access;
6. The conveyance of land for highway or other public purposes or grants or conveyances relating to the dedication of land for public use or instruments relating to the vacation of land impressed with a public use;
7. Conveyances made to correct descriptions in prior conveyances;
8. The sale or exchange of parcels or tracts of land following the division into no more than two parts of a particular parcel or tract of land existing on July 17, 1959 and not involving any new streets or easements of access;
9. The sale of a single lot of less than 5 acres from a larger tract when a survey is made by an Illinois Registered Land Surveyor; provided, however, that this exemption shall not apply to the sale of any subsequent lots from the same larger tract of land, as determined by the dimensions and the configuration of the larger tract on Oct. 1
1973, and provided also that this exemption does not invalidate any local requirements applicable to the subdivision of land.
PLACE AN "X" IN THE SPACE ABOVE WHICH IS APPLICABLE TO ATTACHED DEED.
AFFIANT further states thathe makes this affidavit for the purpose of inducing the Recorder of Deeds of Lake County Illinois, to accept the attached deed for recording.
Subscribed and Sworn to before me,
this 21 day of Nov & MB & 20 07
Notary Public My Commission Expires: 8 3 69

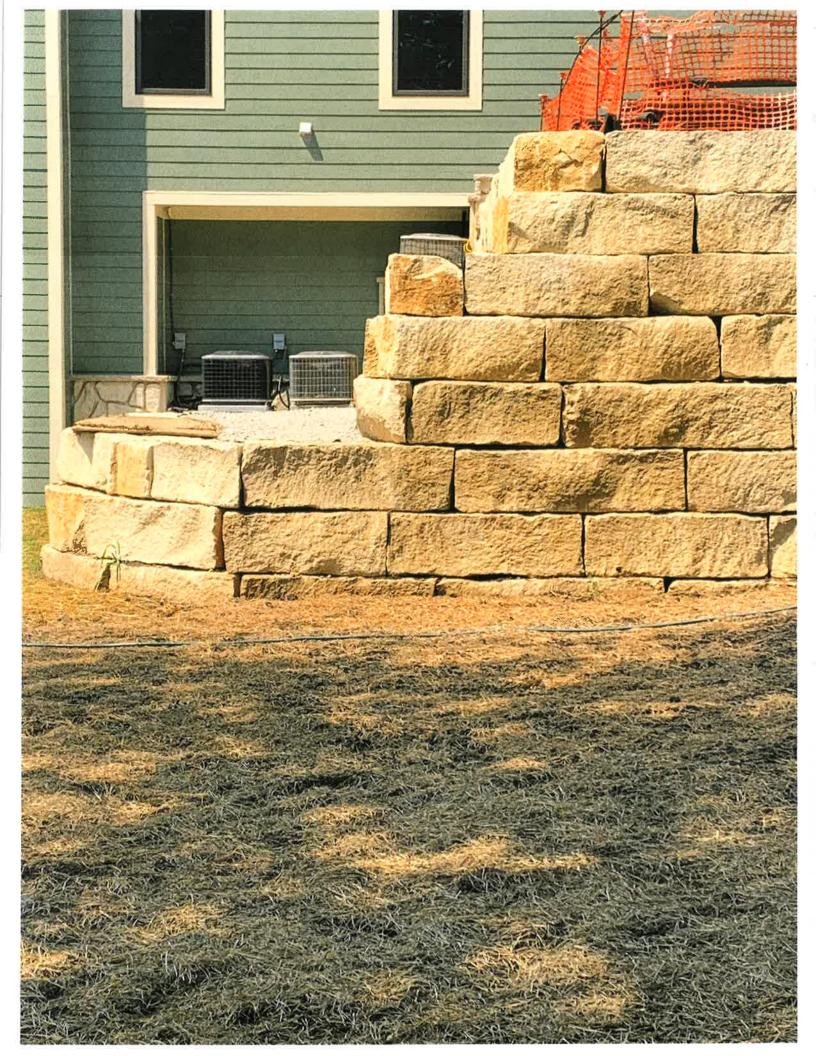


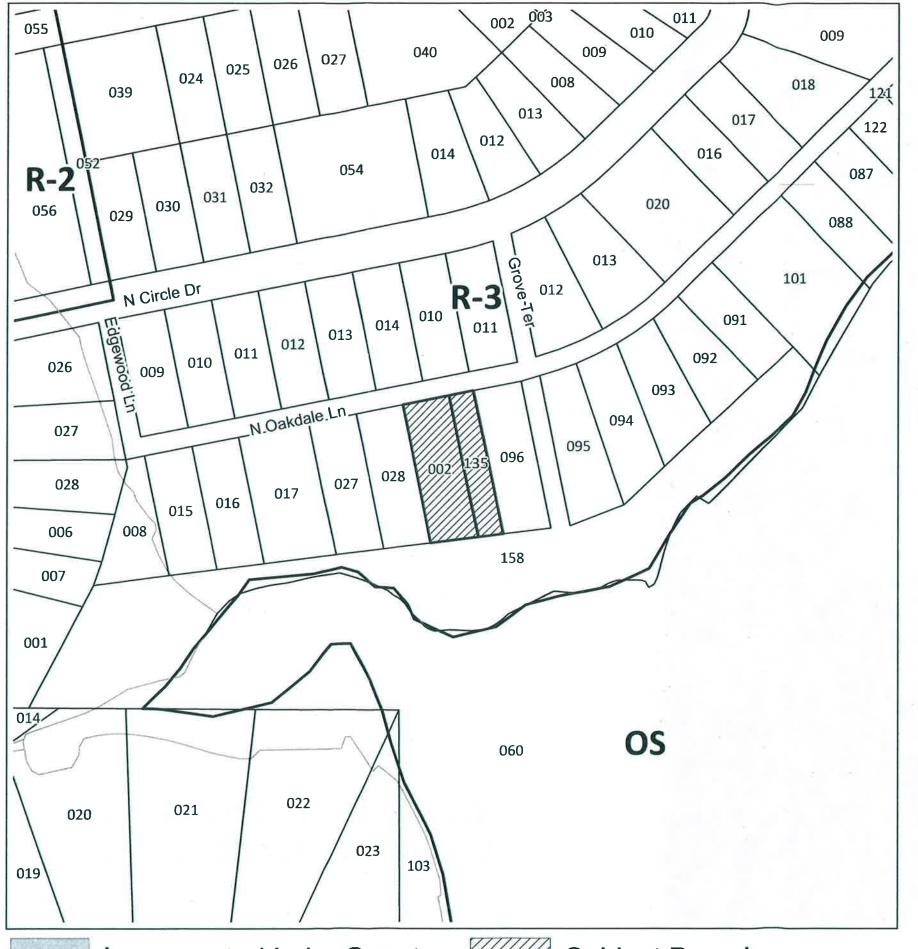
LANDSCAPED WALL AT 26649 N. OAKDALE LANE MUNDELEIN, IL date: 8-4-21

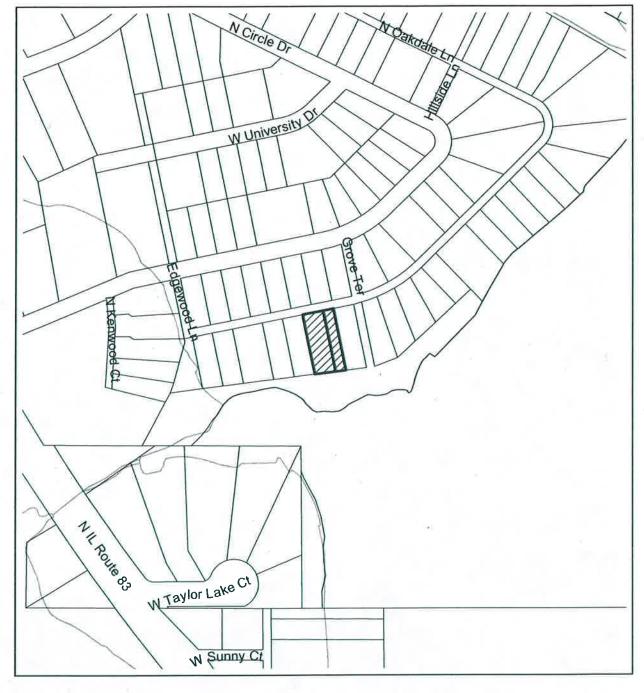
sheet: 1 of 1



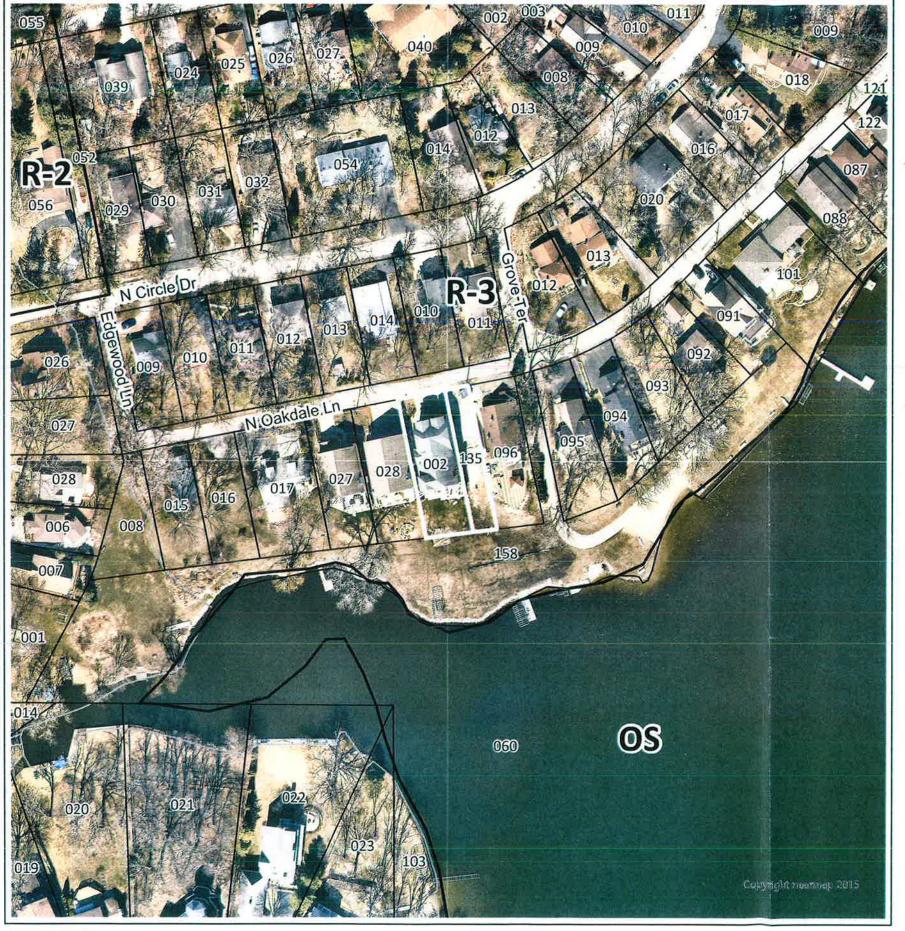








Zoning Board of Appeals Case #VAR-000774-2022





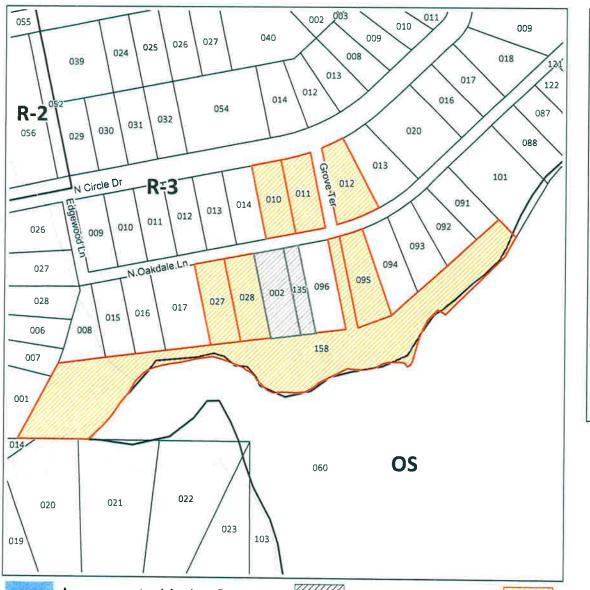
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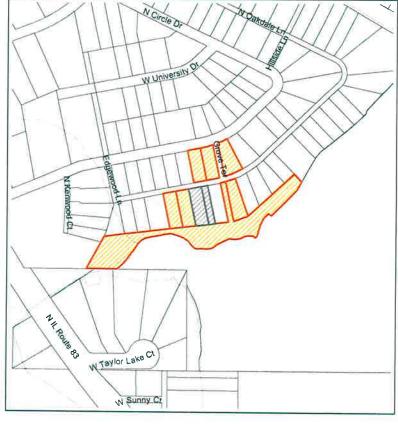
Incorporated Lake County



Subject Parcel







Zoning Board of Appeals Case #VAR-000774-2022

Incorporated Lake County



Subject Parcel



Mailing Parcel



