

INFORMATION PAPER



May 3, 2023
Planning, Building and Development Department
Eric Waggoner, Director

SUBJ: MINOR MODIFICATION TO LOT 21 OF THE NEWPORT COVE SUBDIVISION PLANNED UNIT DEVELOPMENT

Background:

The Newport Cove Planned Unit Development (PUD) is located west of Bluff Lake along both sides of Elime Rd. at its intersection with Bluff Lake Rd. Newport Cove PUD, located in the Residential-3 (R-3) zoning district, contains 67 building lots and 10 outlots reserved for stormwater detention, landscaping, and preservation of natural resources. It was recorded by the Lake County Recorder of Deeds on June 6, 2006.

Chad and Catherine Elders, record owners of Lot 21 (which abuts the most eastern outlot of the PUD), are requesting a minor modification to the PUD to allow a patio and retaining walls, which have been constructed within the required north side and rear yard setbacks, to remain.

The required rear yard setback is 20 feet, and the required north side yard setback is 15 feet. The patio extends to the rear lot line and most of the eastern retaining wall is along the rear lot line. The north retaining wall is 4 feet from the north lot line at its closest point.

Recommendation:

Staff recommends the minor modification request be denied for the following reasons:

1. The Newport Cove subdivision was developed as a Planned Unit Development to protect the natural resources located within the subdivision and maximize the total number of buildable lots. To accomplish this, the developer was permitted to plat lots that were smaller in area than allowed in the overlying R-3 zoning district while setting aside significant area as restricted open space.
2. The PUD includes setbacks that vary across the subdivision. The lots adjacent to the protected open space on the east side of the subdivision have the widest required rear setback of 20-feet. This includes the subject property, Lot 21.
3. The minimum required rear yard setback in a conventional subdivision in the R-3 zoning district is 15 feet and the side yard setback is 7 feet.
4. The patio and retaining walls are out of character with the neighboring parcels which have patios and decks in their back yards that meet the required PUD setbacks.

Attachments: *Application File*

Proposed Plat Modification Site Plan

Letter of Support

Utilities – Letters of no objection