




**Lake County Central Permit Facility**  
500 West Winchester Road  
Libertyville, Illinois 60048-1331  
Phone: 847.377.2600  
E-mail [lcpermits@lakecountyil.gov](mailto:lcpermits@lakecountyil.gov)

April 17, 2014

TO: George Bell, Chairman  
Lake County Zoning Board of Appeals

FROM: Patrick Tierney, Principal Planner  
  
Lake County Department of Planning, Building, and Development

---

CASE NO: 6283

REQUESTED ACTION: Reduce the street yard setback from 24.4 feet to 6 feet.

HEARING DATE: April 24, 2014

---

#### GENERAL INFORMATION

---

OWNER: Dali Investment Group, LLC; Igor Gluzman, President

# OF PARCELS: One

SIZE: 0.14 acres

LOCATION: 25777 W. Lake Street, Wauconda, IL. 60084  
PIN: 09-25-104-050

EXISTING ZONING: R-1

EXISTING LAND USE: Single-family Residential

PROPOSED LAND USE: Single-family Residential

---

### **SURROUNDING ZONING / LAND USE**

---

NORTH, EAST, WEST: R-1/Single-family Residential

SOUTH: OS/ Bangs Lake

---

### **COMPREHENSIVE PLANS**

---

LAKE COUNTY: Residential Medium Lot (1-3 acre density)

WAUCONDA: Low density residential

---

### **DETAILS OF REQUEST**

---

ACCESS: Direct access is provided via Lake Street and Valentine Road

NATURAL RESOURCES: A portion of the property is below the base flood elevation of 775.6 for Bangs Lake; however, the proposed garage will be above that elevation.

SEWER AND WATER: The existing residence is served by public sanitary sewer and a public water supply.

---

### **ADDITIONAL COMMENTS**

---

- A building permit was issued on December 4, 2013 for alteration and addition to an existing garage having a 5.5 foot setback from Lake Street and a .5 foot side yard setback. Upon inspection of the alteration work, the garage had been demolished. The inspector issued a notice of ordinance violation (#200432) and directed the applicant to apply for a variance as the proposed side and street setback distances were less than required by the Unified Development Ordinance.
- Article 12, Section 12.3.8 of the Unified Development Ordinance permits the replacement of a nonconforming accessory structure on an existing foundation provided: 1.) the restored structure does not extend further into any required setback than the existing structure prior the improvement or rebuilding; 2.) the restored structure is located at least 10 feet from the street lot line and at least

4 feet from the side and rear lot lines; 3.) any proposed addition or expansion to the existing structure beyond a repair, remodel or restoration, must meet the setback requirement of the underlying zoning district or the setback requirement for a nonconforming lot, whichever applies; and 4.) if the structure is located in the floodplain and if the restoration constitutes “substantial improvement” (over 50% of the structure’s assessed value), the entire structure shall be brought into conformance with the floodplain provisions of Article 8.

- In accordance with Section 12.3.8, upon removal of the existing structure, the applicant is required to meet the setback requirements for a nonconforming lot which requires a 24.4 foot street setback and a 4 foot side yard setback to the overhang.
- The applicant has requested administrative review and approval by the Planning, Building and Development Director and the Wauconda Township Highway Commissioner for the placement of the garage in the intersection visibility triangle specified in Section 9.8 of the Unified Development Ordinance. Following a site inspection with the Highway Commissioner and review of the proposed site plan by staff, the Director has approved the request subject to approval of the variation from the Zoning Board of Appeals.

---

### **RECOMMENDATION ON VARIANCE**

---

Staff recommends approval of the requested variance. In our opinion the request meets the standards for a variance in the following manner:

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

Comment – The property is existing nonconforming in the R-1 District (130 ft. width and 40,000 sq. ft. required; 50.6 ft. width and 6,173 sq. ft. existing) and is located on a corner lot requiring street setbacks from both Lake Street and Valentine Road, including a vision triangle clearance from both streets. The combination of the above-mentioned site limitations and the placement of the home’s front entry creates a site condition unique to the property, where the best position for the garage is within the street yard setback.

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

Comment – The Zoning Board of Appeals has determined that a garage is reasonable use for a residential property. Absent the variation, the applicant would not be permitted to fully exercise reasonable use of the property that is characterized by all other properties in the neighborhood.

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

Comment – An existing nonconforming detached garage previously occupied the property with street and side yard setbacks less than those proposed in the subject application. With the approval of a variance, the garage will become conforming and will eliminate the previously existing nonconforming condition which according to Article 1.5 is the intent of the zoning regulations.

---

**RECOMMENDED CONDITION**

---

In the event the Board grants the variation of the setback, staff recommends that it be limited to the site plan associated with this zoning case.