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November 5, 2015

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

FROM: Krista Barkley Braun, Planner/Project Manager
Lake County Department of Planning, Building, and Development

HEARING DATE: November 12, 2015

CASE NO: 7544

REQUESTED ACTION: Variance from Lake County, Illinois Code of Ordinances as follows:

- Section 151.112(H)(2) to reduce the required minimum gross site area from 8,500 square feet to 6,250 square feet for the purpose of incorporating an attached dwelling unit within an existing nonresidential building

GENERAL INFORMATION

OWNER: Chong Ho Shin and Yong Sun Shin

OF PARCELS: One

SIZE: 0.14 acres, per Lake County's GIS Calculated Acreage

LOCATION: 12780 W. Jenkisson Avenue, Lake Bluff, IL. P.I.N. 12-18-324-002

EXISTING ZONING: General Commercial (GC)

EXISTING LAND USE: Vacant commercial office space

PROPOSED LAND USE: Commercial office space with attached dwelling unit.

SURROUNDING ZONING / LAND USE

NORTH:	General Commercial (GC)/Commercial and Residential
SOUTH and WEST:	General Commercial (GC)/Commercial
EAST:	Residential - 3 (R-3)/Single Family Residential

COMPREHENSIVE PLAN

LAKE COUNTY:	Retail Commercial
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DETAILS OF REQUEST

ACCESS:	Direct access to the subject property is from W. Jenkisson Avenue.
NONCONFORMING LOT:	This is a nonconforming lot in the General Commercial (GC) zoning district. The parcel does not meet the minimum lot area.
SEPTIC AND WATER:	The property is serviced by public sewer and water.

ADDITIONAL COMMENTS

- The minimum conforming lot area in the GC zoning district is 10,000 square feet. The subject property contains 6,250 square feet and is therefore nonconforming. The subdivision was platted in 1927. The parcel remains as originally platted and is exceptionally small compared to many other lots in the subdivision which have been combined to create larger parcels.
- An attached dwelling attached to a nonresidential use is permitted in the GC district with a minimum gross site area of 8,500 square feet.
- As proposed, modifications to incorporate the attached dwelling unit are limited to interior alterations only. No exterior changes or additions to the building are proposed.

- The existing building is 1,750 square feet. There are five parking spaces on the site. This meets the required 2.5 spaces per 1,000 square feet for non-medical office uses as specified in Section 151.165(B) of the Lake County Code. The existing spaces would remain after the establishment of the proposed accessory dwelling unit, and would meet the parking requirement of two spaces per dwelling unit (occupying 714 square feet) and three spaces for non-medical office space (occupying 1,036 square feet).

STAFF COMMENTS

1. **Bob Springer - Building Division:** The Building Division has no objection to the granting of this variance provided the applicant brings the building into compliance with the requirements of the 2012 International Building Code mixed-use provisions.
2. **Eric Steffen - Engineering Division:** This division has no objection to the requested variance.
3. **Joe Meyer - Lake County Division of Transportation:** Jenkisson Avenue is a Township Road under the jurisdiction of the Shield Township Highway Commissioner; therefore, LCDOT offers no comments on the requested variation.
4. **Jeff Bixler - Environmental Health Department:** Property is served by public facilities; therefore, this department has no comment on the requested variations.
5. **Fred Treven - Public Works:** This department has no objection to the requested variance

RECOMMENDATION ON VARIANCE

After considering the facts in this case, staff has determined that the application meets the approval criteria for variations specified in Lake County Code Section 151.056(C)(4) for the following reasons:

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

Comment – The parcel is a small lot that retains the original configuration platted in 1927. There are other parcels along the N. Waukegan Road commercial corridor that are of comparable size. However, many of these have been consolidated or combined into larger zoning lots when buildings were constructed across common lot lines. The subject property is on a corner lot and is adjacent to an alley. There is no viable way to consolidate with another parcel to increase the lot size in order to meet the necessary minimum lot area that is required to establish an attached dwelling.

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

Comment – The subject property has limited commercial viability due to the lot size and limited parking capacity. When the subdivision was platted in 1927, cars and modern design principles were not considered when determining lot size. Most commercial uses have a parking requirement that exceeds the parking capacity of the property. As a result, the building has been vacant for many years. Other properties in the GC district have overcome these issues by combining with adjacent properties to create larger lots.

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

Comment – The proposed use would be compatible with surrounding land use. The property is located at the northern extent of the GC zoning district on N. Waukegan Road, which has a residential pattern. The adjacent parcel to the north and other GC properties in the area have dwelling units attached to commercial buildings. In addition, there are properties to the south within the GC zoning district that are used for residential purposes. Further, the subject property is adjacent to a residential zoning district directly to the east. The request will not have a significant impact on neighboring properties, as there are no proposed exterior alterations. Granting the variation is in harmony with the general purpose and intent of the zoning regulations.

RECOMMENDED CONDITION

1. In the event the Board grants the proposed variance, staff recommends the property be subject to Variation Condition Monitoring Inspections as necessary to ensure the living space in the building remains subordinate to the principal use of commercial space, per Section 151.112(H)(1) of the Lake County Code. The inspection fee, currently \$126.00, shall be in accordance with the adopted fee schedule of the Planning, Building, and Development Department.