



**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)

July 5, 2017

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

FROM: Hannah Mulroy, Planner  
Lake County Department of Planning, Building, and Development

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CASE NO: #000238-2017

HEARING DATE: July 13, 2017

REQUESTED ACTIONS:

1. Reduce the street yard setback from 29.60 feet to 19.05 feet to allow for the construction of a single family home.

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**GENERAL INFORMATION**

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OWNERS: Zachary Houdek

# OF PARCELS: 1

SIZE: 0.13 acres, per Lake County's GIS Calculated Acreage

LOCATION: 23964 N. Overhill Dr., Lake Zurich, IL 60047. PIN 14-15-202-005

EXISTING ZONING: Residential-3 (R-3)

EXISTING LAND USE: Vacant

PROPOSED LAND USE: Single Family Home

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

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EAST:	Residential-3 (R-3) / Single-Family Residential
NORTH:	Unimproved Right-of-Way
SOUTH:	Residential-3 (R-3) / Single-Family Residential
WEST:	Residential-3 (R-3) / Single-Family Residential

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### **COMPREHENSIVE PLANS**

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LAKE COUNTY:	Residential 0.25 to 1-acre lot density
VILLAGE OF HAWTHORN WOODS:	Not designated
VILLAGE OF KILDEER:	Not designated
VILLAGE OF LONG GROVE:	Not designated
VILLAGE OF LAKE ZURICH:	Traditional Single Family

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### **DETAILS OF REQUEST**

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ACCESS:	Direct access is provided from Overhill Drive.
CONFORMING LOT:	The subject property is a nonconforming zoning lot in the Residential-3 (R-3) zoning district.
FLOODPLAIN / WETLAND:	The property contains regulatory floodplain.
SEPTIC AND WATER:	The subject property is serviced by public sewer and private well.

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### ADDITIONAL STAFF COMMENTS

- The street yard setback for a structure on a nonconforming lot is a function of the lot depth. Lake County Code Section 151.233(C)(1)(a) specifies the minimum front setback shall be 20% of the lot depth or the underlying zoning district setback, whichever is less. In this case the 20% of the lot depth is 29.60, which is less than the zoning district setback of 30 feet.
- The lot contains unstudied regulatory floodplain. The applicant wishes to construct the home outside of this area to avoid floodproofing the entirety of the structure. Furthermore, according to Section 151.145 of the Lake County Code, it is the purpose of the Site Development subchapter to assure new development does not increase flood and drainage hazards and to conserve the regulatory floodplain.

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### STAFF COMMENTS

Russ Rietveld – Public Works

- The Public Works Department does not object to the requested setback variance.

Eric Steffen – Engineering & Environmental Services Division

- The Engineering Division has no objection to variance request.

Robert Springer – Building Division

- The Building Division has no objection to the granting of this request.

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### RECOMMENDATION ON VARIANCES

Staff recommends approval for the variance request. In Staff's opinion, the variance request complies with the standards for a variance 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 subject property is in the Residential-3 (R-3) zoning district and is a legal nonconforming due to the lot area and road frontage. The parcel is in the Forest Lake Subdivision, platted in 1937. The subject parcel is exceptionally small at only 5,445

square feet, resulting in a lot area less than half of a conforming R-3 lot, which requires 12,000 square feet.

Furthermore, the unstudied depressional storage area at the rear of the property results in challenges relating to the construction of a new home. Due to a lack of precise floodplain elevation, the applicant is attempting to construct the home above the estimated floodplain elevation of 806. The applicant has proposed to construct the home as close to the floodplain elevation as possible in order to minimize the variance requested.

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

Comment – Without the requested variance, the property owner would have to construct the home within the floodplain, which would go against the purpose and intent of the County's site development regulation. In addition to impacting the floodplain, the construction method and costs to the property owner would be prohibitive. Nearby properties do not face the same challenges, and are able to construct homes without the additional engineering and construction costs faced by this property owner.

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

Comment – The proposed project will be in alignment with the purpose and intent of the ordinance by maintaining a pattern of single family homes present throughout the neighborhood. The proposed construction of the single family home will meet all the remaining setbacks requirements, including the Impervious Surface Ratio (ISR).

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### RECOMMENDATION ON VARIANCE

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1. In the event the Board is inclined to grant the proposed variance request, staff recommends that it be consistent with the site plan proposed with this zoning case.