



Zoning Board of Appeals

George Bell  
Chairman

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July 6, 2017

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

FROM: Brad Denz, Senior Planner  
Lake County Department of Planning, Building and Development

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CASE NO: #000243-2017

REQUESTED ACTION: Reduce the side street yard setback from 15 feet to 11.17 feet  
for a single-family dwelling.

HEARING DATE: July 13, 2017

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**GENERAL INFORMATION**

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APPLICANTS: George and Ina Blogg

# OF PARCELS: One

SIZE: 0.10 acre, per Lake County Maps Online

LOCATION: 28003 N. Hickory Lane, Wauconda, Illinois  
P.I.N. 09-24-309-091

EXISTING ZONING: Residential-1 (R-1)

EXISTING  
LAND USE: Vacant

PROPOSED: Single-family dwelling

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**SURROUNDING ZONING / LAND USE**

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NORTH, SOUTH,  
& WEST: Residential-1 (R-1) / single-family dwellings

EAST: Residential-1 (R-1) / private driveway and accessory structure

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## COMPREHENSIVE PLANS

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LAKE COUNTY: Residential Medium Lot

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## DETAILS OF REQUEST

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ACCESS: Direct access to the single-family dwelling is from Hickory Lane to the west and a private alley to the east.

NONCONFORMING LOT: The subject property is a nonconforming lot in the R-1 zoning district due to size and lot width.

FLOODPLAIN / WETLAND: The subject property contains no mapped wetlands or floodplains.

SEWER AND WATER: The property is served by public sewer and water by the Village of Wauconda.

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## ADDITIONAL STAFF COMMENTS

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Wauconda Township Highway Department – Scott Weisbruch, Commissioner

The Department has reviewed property in question and have no issues. There are no sight line issues. I am in favor of allowing the proposed changes to the setback.

Lake County Environmental Engineering Division - Comments by Eric Steffen

The Engineering Division has no objection to the requested variance.

Lake County Building Division – Comments by Bob Springer

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

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## ADDITIONAL COMMENTS

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The applicant applied for an Administrative Variation to increase the maximum impervious surface .50 to .54. On January 19, 2017 the Lake County Planning, Building & Development Director approved the requested increase of impervious surface. This allowed the applicant to apply for their requested single-family house permit which was processed and approved by this Department. However, a dispute with the adjacent property owner to the north ensued regarding the property line between the two properties (specifically related to an existing retaining wall and sidewalk near the shared boundary). The applicants perused legal action by filing a Temporary Restraining Order (TRO) to build the single-family dwelling in the approved

location. However, the TRO was denied by the court, which in-turn would not allow for the proposed dwelling at the previously approved location.

In lieu of facing a significant court delay in determining the property boundary, the applicant has instead re-designed the proposed structure to be located closer to the street property line opposite the disputed area near the property line to the north, consequently avoiding the disputed area on the subject property altogether.

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## RECOMMENDATION

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Staff recommends approval. In our opinion, the request meets the required standards in the following manner:

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

Comment: The following features and characteristics constitute exceptional conditions in staff's opinion:

- The subject property is located in the Residential-1 (R-1) zoning district and is non-conforming due to lot area and lot width. The subject property was platted in 1920 as part of a subdivision intended for cottages. The lot is 4,450 square feet in area and 50 feet wide, in sharp contrast to conforming lots in R-1 which contain 40,000 square feet and 130 feet of lot width.
- The property is located on a corner lot with two street setbacks.
- The features of the sidewalk and the retaining wall on the north side of the property necessitate the placement of the structure within the side streetyard setback.

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

Comment: The applicant's acquired the property with the understanding the placement of the house was appropriate. It is the desire of the applicant to place a modern single-family dwelling onto a lot platted in 1920, which was intended for cottage construction and seasonal use. There is a prevalence of homes in the area which contain a similar lot size which are being used in the same manner with features inside the setbacks. Denial of the requested variance would prevent the owners from improving their property consistent with nearby properties.

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

Comment: The variation request is in harmony with the general purpose and intent of the zoning regulations. The proposed placement of the single-family dwelling with the side streetyard setback will not have a negative effect upon the adjacent property owners as this setback would maintain consistency with others in the area.

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### **RECOMMENDED CONDITION**

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In the event the Board grants the variation of the side street yard setback, staff recommends that it be limited to the following condition:

1. The location of the structure be based on the site plan of ZBA application #000243-2017.