

LAKE COUNTY ZONING NOTICE #000475-2019

LIBERTYVILLE TOWNSHIP

The Lake County Zoning Board of Appeals has scheduled a public hearing on Wednesday, April 10, 2019, at 9:00 A.M. at the Lake County Division of Transportation, 600 W. Winchester Road, Libertyville, Illinois on the petition of the Karen Marie Stolzman Revocable Trust, record owner, who seeks the following variations from the requirements of the Lake County Code and any other zoning relief as required:

1. To decrease the side yard setback from 12 feet to 2.72 feet.
2. To allow an increase of the maximum building height from 25 feet to 27 feet.
3. To allow accessory structures in the absence of a principal structure.
4. To allow more than three accessory structures.

Please note that quantitative values may be subject to minor alterations due to surveyed conditions. The subject property is located at 28449 and 28445 N. Arcadia Road, Libertyville, Illinois, and is approximately 6.8 acres

PIN 11-24-400-008, 11-24-400-009

This application is available for public examination at the office of the Lake County Zoning Board of Appeals, 500 W. Winchester Rd, Libertyville, Illinois, attn.: Brad Denz, Project Manager (847) 377-2127.

**George Bell
Chairman**

LAKE COUNTY ZONING BOARD OF APPEALS

VARIATION APPLICATION

Applicant(s):
(please print)

Phone

Owner(s)

The Karen Marie Revocable Trust

Address

1188 Old Colony Rd., Lake Forest, IL
60045

Fax:

Email:

Phone

Email:

karen.stolzman@ipcclake
forest.com

Contract purchaser(s):

None

I/we hereby authorize the following person to represent me/us in all matters
related to this application:

Phone

Name Cell:

Michael Stolzman or Scott Kenig
(The Karen Marie Stolzman Revocable
Trust Attorney)

Fax:

Address

Scott Kenig
455 North City Front Plaza Drive NBC
Tower, Suite 2501, Chicago 60611

Subject
Property:

Present Zoning: Agricultural
Present Use: Agricultural
Proposed Use: No Change
PIN(s): 11-24-400-009 and 11-24-400-008
Address: 28445 North Arcadia Rd., Libertyville, IL 60048

The following variances are requested:

1. A variance from Lake County Code Section 151.113(B)(2)(a) to allow an accessory structure use in the absence of a principal use.
2. A variance from Lake County Code Section 151.113(B)(7)(a) to allow more than three accessory structures on the property.
3. A variance request from Lake County Code Section 151.233(C)(1)(b) to increase the building height from 25-foot maximum building height for the southern building to a 27-foot building height.
4. A variance from Lake County Code Section 151.233(C)(1)(b) to reduce the required interior side yard setback from 10 feet, 5 inches to 3 feet, 2.72 inches for the northernmost building, based on the survey completed by B.H. Suhr & Company, Inc., September 27th, 2016.

Approval Criteria:

he Lake County Zoning Board of Appeals is required to make findings of Criteria: fact on your request. You should "make your case" by explaining specifically how your proposed request relates to each of the following criteria:

1. Exceptional conditions peculiar to the applicant's property.
2. Practical difficulties or particular hardship in carrying out the strict letter of the regulation.
3. Harmony with the general purpose and intent of the zoning regulations.

Variance Request 1:

A principle use structure was on the property (as per the satellite pictures and plat of survey sated March 3rd, 2011). The structure was inhabited and intact during the construction of the south barn. The support structure for the first floor rotted and the entire interior of the house collapsed into the basement. The home could not be salvaged. 100% of the debris was professionally removed from the property and hauled to a landfill.

We would propose the south barn, originally considered an auxiliary structure, be converted to a primary structure. We will apply for building and occupancy permits to complete whatever work is necessary to convert the south barn to a primary structure.

Variance Request 2:

If the south barn is converted to a primary structure, we would be in compliance with the Lake County Building Department's code which requires a property to have a maximum of three auxiliary structures on a property.

Variance Request 3:

It was our understanding during the design stage of the northern building, a building permit was not required to construct a building on property zoned agricultural. If we had applied for a building permit (as we did for the south barn when the property was zoned Lite Industrial), we would have understood that for a non-conforming lot, a structure's height was limited to 25 feet maximum and the setback was based on the total height of the building (under 25 feet). If we would have known, we would have adhered to the Lake County Agricultural zoning laws.

Prior to initiating construction of our south barn, we submitted the required architectural drawings, a plat of survey and an application for a building permit. We were granted a building permit for the south barn. The height of that building exceeds 36 feet, which was within zoning parameters for Lite Industrial zoning. Based on a permit approval for a building in excess of 36 feet, our architect believed a 27-foot-high building would be well within Lake County zoning standards for AG zoning.

Following initiation of construction, we had progress inspections on the south building. During the second to last progress inspection, the lead Lake County Building Department Inspector (first name Bill, I do not recall his last name), stated that if we were to change the property zoning from Lite Industrial to Agricultural zoning, we would not be required to apply for building and occupancy permits. Because we were planning to build additional buildings on the property (the north building), we applied for a rezoning of the property from lite industrial to agricultural zoning. The property was rezoned prior to the completion of the south building.

Following the rezoning of the property we did not apply for a permit for the north building and we did not continue to call for inspections or apply for an occupancy permit for the south building (upon completion). The decision to proceed without these applications was not made to avoid inspections, the costs or permits or occupancy permits. It was based on our understanding of Lake County Agricultural Zoning requirements.

We never would have applied for the rezoning of the property if we would have anticipated the situation we are in at this point. Both the north and south buildings were designed by a professional architect, based on his understanding of the building codes for Lake County Lite Industrial zoning and Agricultural zoning laws. If we would have anticipated any of these issues, we would have retained the Lite Industrial zoning on our property and would have applied for building and occupancy permits for both buildings in order to abide by the law. In addition, we would have avoided the costly and time-consuming zoning change process.

Variance Request.4:

The property is 150 feet wide and 2,000 feet long. It is a non-conforming lot. In order to allow for a driveway adjacent to the garage doors, and to maintain sufficient space to back farm tractors and trailers into the northern building, the architect located the structure as close to the eastern property line as he believed to be permissible by Lake County Agricultural zoning laws. At the time the building was constructed, the architect believed we were permitted to build the northern building wall a minimum of 4 feet from the eastern property line (based on AG zoning laws). A Plat of Survey completed by B.H. Suhr & Company, Inc. on September 27th, 2016 indicates the northern building wall setback is 4.81 to 4.88 feet from the property line. The northern building height is 27 feet from the foundation line to the highest point (peak to the highest shingles on the building). Based on this building height, AG zoning requires the building to be 10.5 feet from the eastern property line. We are requesting a building setback zoning variance for the northern building from 10.5 feet, to 3 feet, 2.72 inches from the eastern property line.

I/we hereby attest that all information given above is true and complete to the best of my/our knowledge.

Karen Stolzman

Signature(s) of owner(s)

Signature(s) of contract purchasers

I, Maria Pereira a Notary Public aforesaid, do hereby certify that Karen Stolzman

personally known to me is (are) the person(s) who executed the foregoing instrument bearing the date of Aug 15, 2018 and appeared before me this day in person and acknowledged that he/she/they signed, sealed and delivered the same instrument for the uses and purposes therein set forth.

Given under my hand and Notarial Seal this 15th day of August, 2018.

(Seal)

My Commission expires November 17, 2018.

Maria D. Pereira



COURT REPORTER AGREEMENT

CHECK ONE OF THE FOLLOWING:

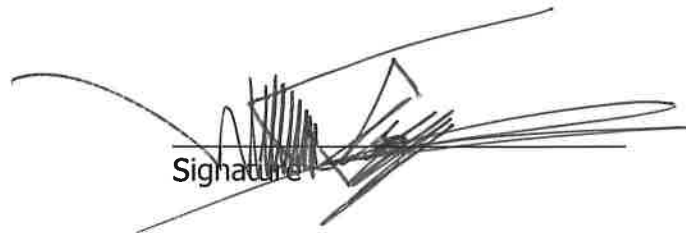


I authorize the County to act on my behalf to retain a Certified Shorthand Reporter to transcribe the public hearing and provide a transcript to the Zoning Board of Appeals. I further agree to pay the Reporter reasonable fees for his/her services. If I do not pay the Reporter and the County is invoiced and pays the Reporter, I agree to reimburse the County. If the County sues to obtain reimbursement, I agree to pay the County its reasonable attorney's fees in bringing suit and obtaining a judgment.

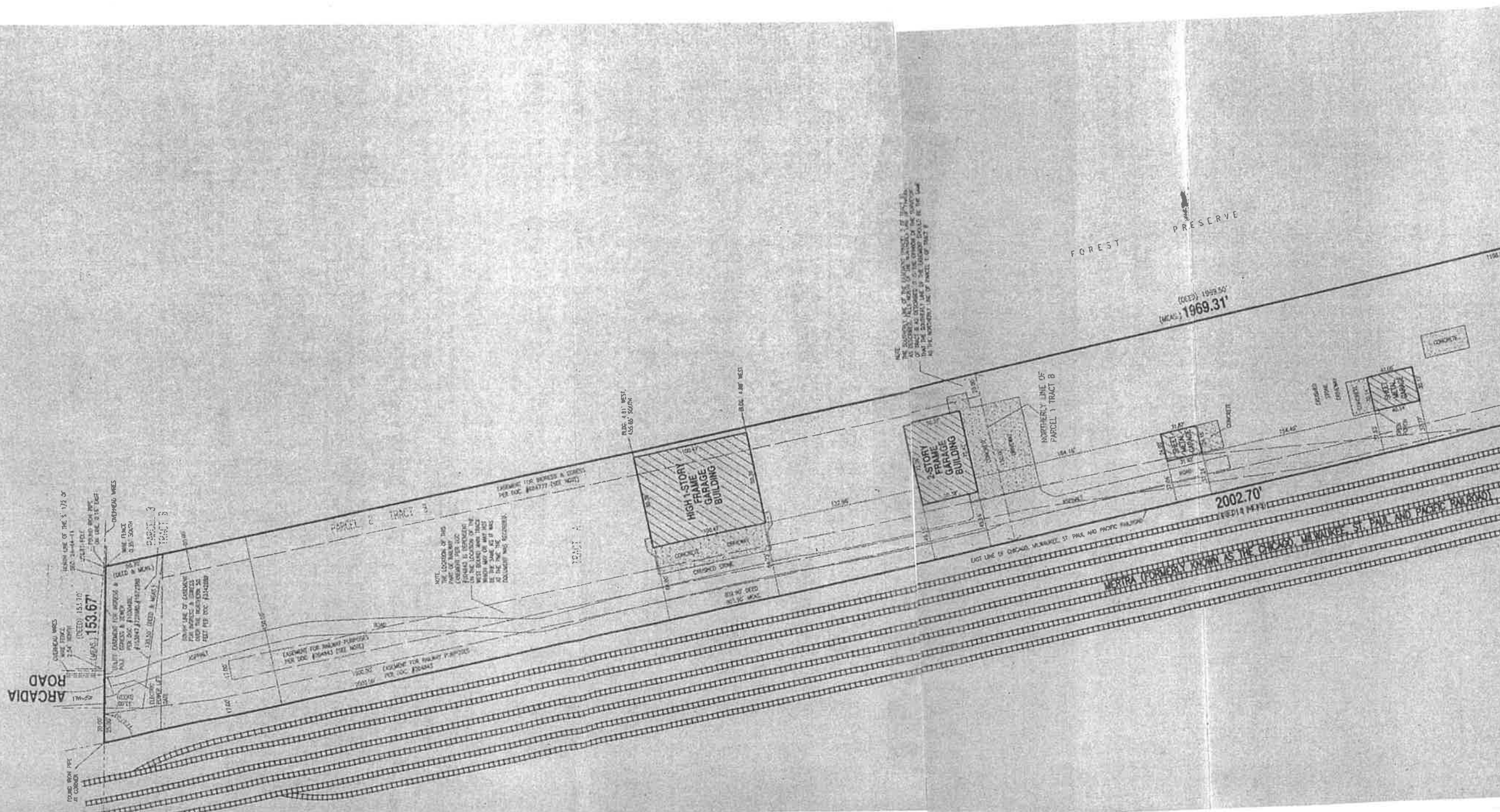


I will furnish a Certified Shorthand Reporter to transcribe the public hearing and provide a transcript to the Zoning Board of Appeals. I realize that the failure to do so may result in the continuation of the public hearing in which case I agree to reimburse the County for all additional expenses caused by such continuation.

Signature



THIS SIGNED AGREEMENT MUST ACCOMPANY YOUR APPLICATION





Zoning Board of Appeals Case #000457-2019

Incorporated Lake County
 Subject Parcel

