



Zoning Board of Appeals

Gregory Koeppen  
Chair

500 W. Winchester Road, Suite 101  
Libertyville, Illinois 60048  
Phone 847-377-2600  
Fax 847-984-5608  
Email: pbdzoning@lakecountyil.gov

October 14, 2020

TO: Gregory Koeppen, Chair  
Lake County Zoning Board of Appeals

FROM: Thomas Chefalo, Principal Planner  
Lake County Department of Planning, Building and Development

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CASE NO: #VAR-000583-2020

HEARING DATE: October 22, 2020

REQUESTED ACTION: Reduce the rear yard setback from 30 feet to 23.48 feet to allow for the conversion of an existing accessory structure into an accessory dwelling unit.

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**GENERAL INFORMATION**

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OWNERS: Thomas Baur and Barbara Sistik Baur, record owners

# OF PARCELS: One

SIZE: 2.38 acres, per Lake County GIS information

LOCATION: 27570 N CHEVY CHASE RD MUNDELEIN, IL 60060

PIN: 1027400021

EXISTING ZONING: Estate (E)

EXISTING LAND USE: A residence and 2 accessory structures

PROPOSED LAND USE: A residence, an accessory structure, and an accessory dwelling unit

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**SURROUNDING ZONING / LAND USE**

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EAST: E/ single family house

NORTH: E/ single family house

SOUTH: E/ single family houses

WEST: E/ single family house

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**DETAILS OF REQUEST**

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ACCESS: Access is provided from CHEVY CHASE RD.

CONFORMING LOT: The subject property is a conforming lot in the E zoning district.

FLOODPLAIN / WETLAND: There are no mapped wetlands or floodplain on the property.

SEPTIC AND WATER: The property is served by septic and well.

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**STAFF COMMENTS**

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Joel Krause – Engineering & Environmental Services Division

This division has reviewed ZBA Case VAR-000546-2020 with the following comments:

- The Engineering Division has no objection to the requested variance.

David Modrzejewski – Building Division

- No issues from Building for the variance. A more thorough evaluation of the building noting any non-conformances will be done when the permit is applied for.

Tom Copenhaver – Health Department

- Plumbing in the dwelling unit will require a water supply and wastewater system approval from the Health Department. Plans for both must be submitted, reviewed, and approved prior to occupancy.

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### ADDITIONAL STAFF COMMENTS

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1. According to the Assessor's office, the accessory structure was built in 1956. A review of aerial photography shows that through one or more additions it appears to have reached its current size by 2000. It is approximately 900 square feet. The adjacent garage was built in 2000.
2. In the Estate zoning district, an accessory dwelling would be allowed on the parcel by right.
  - Accessory dwelling units are permitted in the Estate zoning district on parcels of 80,000 square feet or more.
  - Accessory dwelling units are required to meet the principal structure setbacks, which are 30 feet for the front and rear. The side yard setback is 19 feet.
  - Accessory dwelling units may be no greater than 1,000 square feet and are limited to 1 bedroom and story.
3. A previous owner had converted the structure into 4 offices without permits.

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### RECOMMENDATION ON VARIANCES

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Staff recommends approval for the variance request. In Staff's opinion, the variance request complies with the standards for variances 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 residence and existing accessory structures have been in place for many years. The lot contains many mature trees and is served by septic. The remaining area suitable for locating a new structure that meets the required setbacks would entail the removal of mature trees and possibly the relocation of all or a portion of the septic system.

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

#### Comment –

An accessory dwelling unit would be permitted on the parcel under the zoning code. Though it would be possible, it would be impractical to remove the rear 6.58 feet from the existing

structure so it would meet the required rear yard setback. This would reduce the area of the structure by approximately 130 sq. ft. to approximately 770 sq. ft.

Alternatively, conversion of the adjacent detached garage into an accessory dwelling unit, which would meet the required rear setback, would also necessitate a variance from the side yard setback.

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

Comment –

The applicant will remove a nonconforming office use that was established in the structure before the applicant purchased the property. In contrast, accessory dwelling units are allowed in the Estate zoning district on parcels greater than 80,000 sq. ft.

The accessory structure has been in its current configuration since at least 2000. The applicant is only proposing interior alterations to the structure, its footprint will not be expanded.

In addition, the rear yard of the applicant’s lot is wooded and the vegetations provides a screen from the abutting property.

Approving the request would pose no discernable hardship to adjacent property owners or the neighborhood and is appropriate to the neighborhood character.

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**RECOMMENDED CONDITIONS OF APPROVAL**

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In the event the Board is inclined to grant the proposed variance request, staff recommends:

1. There will be no expansion of the structure beyond its existing footprint and height.