



Zoning Board of Appeals

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

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

CASE NO: VAR-000689-2021

HEARING DATE: September 9, 2021

REQUESTED ACTION:

1. Reduce the north street side setback from 25 feet to 3 feet to allow for the construction of an above ground pool.
2. Reduce the minimum allowed openness of a fence in a S1 buffer-yard from 90% to 0% (to allow for a solid privacy fence)

GENERAL INFORMATION

OWNERS: Paul M. and Jennifer R. Seivert, record owners

OF PARCELS: One

SIZE: 0.20 acres, per Lake County GIS information

LOCATION: 34189 N. Redtop Rd. Round Lake, IL

PIN: 0524314001

EXISTING ZONING: R-4

EXISTING LAND USE: A single-family residence

PROPOSED LAND USE: A single-family residence with above ground pool

SURROUNDING ZONING / LAND USE

EAST: Residential-4 (R-4)/ / single family houses

NORTH: R-4/ single family houses

SOUTH: R-4/ single family houses

WEST: R-4/ single family houses

DETAILS OF REQUEST

ACCESS: Access is provided from N. Redtop Rd.

CONFORMING LOT: The subject property is a conforming lot in the R-4 zoning district.

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

SEPTIC AND WATER: The property is served by sewer and public water.

STAFF COMMENTS

Joel Krause – Engineering & Environmental Services Division

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

David Modrzejewski – Building Division

- The pool is protected from entry by a privacy fence as well as a fence around the perimeter of the pool. The building department has no objection to this request.

Brittany Sloan – Public Works

- The Lake County Public Works Department has no objection to the requested variance.

ADDITIONAL STAFF COMMENTS

A variance to reduce the required setback to 14 feet was approved by the ZBA on May 13, 2021. Subsequently, as part of the permitting process, the applicant discovered the location of his buried electrical service prevented him from locating the pool as requested in the variance application 000635-2021.

1. The parcel is located at the southeast corner of the intersection of Redtop and Prairieview Rds.
2. The parcel is in the Brooks Farm Phase 1 Open Space Subdivision. The Subdivision Plat was approved in 1998.
3. The building setbacks are included on the plat of subdivision. For a single-family detached residence in a conservation subdivision, the setback from the side street on a corner lot would be 25 feet.
4. Section 151.072(A)(1)(e)(2) of the Unified Development Ordinance states the following.
Fences at least 90% open shall also be allowed in designated open space provided at least one of the following circumstances are present:
 2. Where the fence is proposed within an S-1 buffer yard in a subdivision platted prior to April 11, 2000;...

RECOMMENDATION ON VARIANCES

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 property is a corner lot located in a conservation subdivision. In addition to the single-family house, the property is improved with a fence surrounding the rear yard which contains a patio and tree. The setbacks from the rights-of way are 25 feet and there is also a 10-foot utility and drainage easement along the rear property line. Other lots in the Brooks Farm subdivision are similarly located on corners (with 2 street setbacks). However, as a byproduct of the Brooks Farm subdivision design, this specific lot (among a small number of others) contains considerably less

buildable area than the other corner lots in the vicinity of the subject property and nearby interior lots (both corner and interior). This constitutes an unusual condition specific to the subject property.

In addition, after receiving a setback reduction variance in May, the applicant discovered that the property's back yard is bisected by a buried electrical service cable, which further constrains the buildable area of the back yard. The cable prohibits placement of the pool at the location that was previously approved in variance case #000635-2021.

The lot was platted with an S1 buffer yard. The applicant proposes locating a portion of the pool and the fence in the buffer yard. A 90% open fence would not provide a privacy screen.

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

Comment –

An elevated deck and walkway that encompasses the perimeter of the above ground pool is needed to provide space for adults to supervise children swimming in the pool. However, the combination of the side street setback requirement and utility easement (which creates unusual constraints on the lot's buildable area), in conjunction with the location of the buried electrical service cable, existing patio and tree, significantly limits the space available in the backyard to construct a pool and attached deck. Encroachment into the side street setback is the least impactful to the existing yard configuration and provides additional separation from the pool to the neighbors to the east and south.

A 90% open fence would not screen the pool from the street. A 0% open (solid board on board) fence would not significantly impact the neighboring properties and would be no more impactful than the pool wall.

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

Comment –

The rear and side yard of the property, where the applicant proposes to locate the pool, is enclosed by a 6-foot fence. Only the top 1 foot of the open railing surrounding the pool would be visible from the neighboring property and the street.

A pool is considered desirable for the beneficial use, enjoyment, and value of residentially zoned property. A fence that acts as a privacy screen is a common accessory to a pool. Approving the request would pose no discernable hardship to adjacent property owners or the neighborhood, would not be detrimental to the neighborhood character, nor would it set a precedent in the neighborhood because of the unusual condition presented by the location of the cable which is specific to the subject property.

RECOMMENDED CONDITIONS OF APPROVAL

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

1. The location of the structure shall be consistent with the site plan accompanying ZBA application #000689-2021.