



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

May 26, 2022

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

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

---

CASE NO: VAR-000774-2022

HEARING DATE: June 2, 2022

REQUESTED ACTION: 1. Increase the maximum allowed height of a retaining wall from 6 feet to 12 feet.

---

**GENERAL INFORMATION**

---

PETITIONER: Samuel and Dawn Vavra, record owners

# OF PARCELS: Two

SIZE: 0.26 acres, per Lake County GIS information

LOCATION: 26649 and 26655 N OAKDALE LN MUNDELEIN, IL

PIN(s): 1036200002, 1036202135

EXISTING ZONING: Residential-3 (R-3)

EXISTING LAND USE: A single-family residence and retaining wall.

PROPOSED LAND USE: A single-family residence and retaining wall.

---

**SURROUNDING ZONING / LAND USE**

---

EAST: R-3/ Single family houses  
NORTH: R-3/ Single family houses  
SOUTH: R-3/ Open space  
WEST: R-3/ Single family houses

---

**DETAILS OF REQUEST**

---

ACCESS: Access is provided from N. Oakdale Ln.  
CONFORMING LOT: The subject property is a non-conforming parcel in the R-3 zoning district.  
FLOODPLAIN / WETLAND: There are no mapped wetlands on the parcels, however there is mapped floodplain on the parcels.  
SEPTIC AND WATER: The property is served by public sewer and water.

---

**STAFF COMMENTS**

---

Joel Krause – Engineering & Environmental Services Division

- The Engineering Division has no objection to the requested variance. Note that a Site Development permit will be required for the complete proposed scope of work for the project.

David Modrzejewski – Building Division

- The Building Division has no objection to this request.

Brittany Sloan – Lake County Public Works Department

- LCPW has no objection to the requested variance.

---

## ADDITIONAL STAFF COMMENTS

---

The retaining wall was constructed in 2020 without the necessary permits. Mr. Vavra has been working with the Department to correct the violation.

In 2009, the Zoning Board of Appeals granted a variance to allow retaining walls a zero-foot setback across four parcels. The subject property included PIN 1036200002, which was owned by Mr. Hogan and PINs 1036202135 and 1036202096, owned by Mr. Vavra. The setback variance was granted to allow for the construction of continuous retaining walls that would address the threat of erosion damage to structures due to steep slope that are located on the parcels. Mr. Vavra subsequently purchased the Hogan parcels in 2020 and demolished the house that was located on PIN 1036202096. That parcel is not subject to this variance request.

The Lake County, Illinois Code of Ordinances Section 151.113 (L) (2) specifies that the maximum height of retaining walls shall be six feet. If site conditions warrant, the Planning, Building and Development Director may allow the height of a retaining wall to be greater than six feet. Given the extent of deviation of the height variance request, the Director has deferred this application request to the Zoning Board of Appeals.

---

## RECOMMENDATION

---

Staff recommends approval of 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 subject property is located along Diamond Lake. The topography of the property slopes significantly from the street towards Diamond Lake, with the majority of the grade change concentrated within the center portion of the property. There is a 12-foot drop in elevation within a 24-foot distance.

Because the lot slopes so steeply in the area immediately adjacent to the Vavra home, it is difficult to maintain the eastern side of that structure.

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

Comment –

The retaining wall includes a terrace along its southern side. Constructing the eastern side of the wall in a similar manner, which may have reduced or eliminated the need for a height variance, would have pushed the structure across the internal lot line between PINs 1036202096 and 1036202135. This would have significantly increased its size and increased the proximity to the adjacent residence without effectively reducing the visual impact of the structure from neighboring properties.

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

Comment –

Eliminating the steep slope adjacent to the Vavra home would allow the structure to be more easily and safely maintained.

The retaining wall abuts the common lot line between the parcels owned by Mr. Vavra but is located a significant distance away from the adjacent residential structure to the east. Given the ample open space surrounding the wall, if the height variance request was granted and thus allowing the wall to remain in its current configuration, it would not pose any significant concerns in terms of aesthetics nor light and air to any adjacent property.

---

**RECOMMENDED CONDITION**

---

In the event the Board is inclined to grant the proposed variance requests, staff recommends the following condition:

1. The location of the structure shall be consistent with the site plan and elevation drawings accompanying ZBA application #000774-2022.