



STAFF REPORT

TO: LONG GROVE PCZBA

FROM: JAMES M. HOGUE, VILLAGE PLANNER

DATE: 9.17.20

RE: PCZBA REQUEST 20-04 Request for Variation for property at 7031 North Willow Springs Road; Submitted by Robert Douglas behalf of Property Owners Brian & Michelle Praner.

Status: Complete Petition submitted 9/4/20. Referral by Village Board not required. Publication in newspaper completed 9/18/20 and is therefore timely.

History: Property is located on the west side of North Willow Springs Road four (4) lots north of the intersection of Meadow Lane and Willow Springs Road. The property is zoned under the R-2 District Classification and consists of 1 +/- acre (43,563 sq. ft.). The property contains a single family residence constructed in 1954 and garage built in 1987. The property was subdivided as Lot 14 of the Fred & Russell Towner Subdivision which was recorded on May 21, 1952. The property was developed and the residence built as part of unincorporated Lake County, and annexed into the Village, in the 1986. The subdivision of the property and construction of the residence both pre-date the incorporation of the village.

Proposal: Consideration of a request for variation of the side yard set-back requirement (north side) from the required 40' down to 14 feet within the R-2 District for the construction of an attached accessory structure (garage) and addition to the existing single family dwelling.

Land Use, Zoning and Locational Data:

1. Proposed Zoning: The subject property will retain the R-2 District classification.
2. Surrounding Land Uses and Zoning;

<i>Direction</i>	<i>Existing Use</i>	<i>Land Use Plan Designation/Zoning</i>
NORTH	Residential	Single Family Residential /"R-2".
SOUTH	Residential	Single Family Residential/ "R-2".
EAST	Residential	Single Family Residential/"R-2"
WEST	Residential	Single Family Residential/ "R-1" (unincorporated).

3. Location; common address of 7031 North Willow Springs Road.
4. Acreage; 1 Acre +/- (43,563 Sq. Ft.)

5. Based upon information available through Lake County GIS, the property contains no floodplain/flood hazard area & wetlands; See Attached Maps.
6. Topography; See Attached Map.

Zoning Data

	Existing	Proposed	Zoning Code	PUD
Lot Area	43,563 sq. ft. (1 Acre +/-)	No Change	2 Acre Minimum (R-2 Standard)*	N/A
Floor Area (Total Floor Area)	1,108 sq. ft.	2,759 sq. ft.	8,800 sq. ft. +.025 for each sq ft. over 43,560; sq. ft.**	N/A
Lot Coverage (In Square Feet)	4,107 sq. ft. (9.4 %)	5,328 +/- sq. ft. (12.2 %)	.40 (lot coverage) 17,425 sq. ft. max.	N/A
F.A.R.	1,108 Sq. Ft. (2.5 %)	2,759 (6.3 %)	No Standard Identified	N/A
Height	15'	20'	35 Ft.	N/A

- * The property is non-conforming with regard to lot size.**
**** Maximum Floor area allowed is 8,800 Sq. Ft.**

Yard Requirements (Set-Backs);

	Existing	Proposed	Zoning Ordinance	P.U.D.
Front Yard* (East)	69 +/- (Least dimension)	No Change	75'	N/A
Side Yard (South)	46.98' +/-	No Change	40'	N/A
Side Yard (North)*	14.37' +/-** (Least Dimension)	14.00	40'	N/A
Rear Yard (West)	188' +/-	161' +/-	40'	N/A

- *Front (east) and North Side Yard setbacks are Non-Conforming**
**** To existing detached garage.**

Analysis & Conclusions:

The property in question (PIQ) was subdivided in 1952 and predates incorporation of the Village in 1956. The property remains in the original configuration as platted. The parcel is rectangular in shape.

The attached front porch (east side) does not meet the required front yard setback of 75'. The existing detached garage (north side) does not meet the required side yard setback of 40'. The property is non-conforming with regard to lot size and the front and side yard setbacks (north side only). The existing detached garage is proposed to be demolished. A new addition consisting of an expansion of the existing house and construction of an attached garage is contemplated. The garage addition is proposed to be 14' from the north lot line. The applicant is asking for slight further encroachment than presently exists (14.37 feet to 14.00 feet). The proposed structure will be larger than present structure along this lot line in both length and height. The existing garage has a width of 22.41 along this side of property. The proposed addition will have a dimension of 45 feet along this lot line and be 20' in height. The house addition will be within the 40' setback but as it is attached to the proposed garage is included in the variation request. There are no proposed changes to the existing non-conforming front porch and, as such, it may remain in its present configuration.

Additionally the property was developed in the county and the existing structure was permitted by the county. The property was annexed to the Village in 1986.

As the property is non-conforming, the following "non-conforming" provisions of the zoning code apply.

5-10-4: NONCONFORMING STRUCTURES OTHER THAN SIGNS:

(A) Authority To Continue: Any nonconforming structure, other than a sign, that is devoted to a use that is permitted in the zoning district in which it is located may be continued so long as it remains otherwise lawful, subject to the restrictions in subsections (B) through (D) of this section and subsection [5-10-1\(C\)](#) of this chapter.

(B) Repair, Maintenance, Alterations, And Enlargement: Any nonconforming structure, other than a sign, may be repaired, maintained, altered, or enlarged; provided, however, that no such repair, maintenance, alteration, or enlargement shall either create any new nonconformity or increase the degree of the existing nonconformity of all or any part of such structure.

(C) Moving: No nonconforming structure shall be moved in whole or in part, for any distance whatsoever, to any other location on the same or any other lot unless the entire structure shall thereafter conform to the regulations of the zoning district in which it is located after being so moved.

(D) Damage or Destruction:

1. Not Within The Control Of The Owner: Any nonconforming structure, other than a sign, that is damaged or destroyed, by any means not within the control of the owner thereof, to any extent, may be repaired, restored, or replaced; provided, however, that no repair, restoration, or replacement shall be made that would create any new nonconformity not existing prior to such damage or destruction nor shall any repair, restoration, or replacement except in conformity with the applicable district regulations be made unless a certificate of zoning compliance is obtained and the repair, restoration, or replacement is actually begun within one year after the date of such damage or destruction and is diligently pursued to completion.
2. Within The Control Of The Owner: In no event shall any damage or destruction to a nonconforming structure by means within the control of the owner be repaired, restored, or replaced except in accordance with subsection (B) of this section; provided, however, that a nonconforming structure as defined in

subsection (B) of the definition of "nonconforming structure" that is damaged or destroyed by means within the control of the owner may be repaired, restored, or replaced in the following circumstances:

- (a) If damaged or destroyed to the extent of fifty percent (50%) or less of the gross floor area of such structure, such repair, restoration, or replacement shall not create any new nonconformity not existing prior to such damage or destruction; or
- (b) If damaged or destroyed to the extent of more than fifty percent (50%) of the gross floor area of such structure, such nonconforming structure shall only be repaired, restored, or replaced in conformity with all applicable district regulations except for lot area. (Ord. 2007-O-04, 4-24-2007)**

As the front yard setback is not impacted by the proposed addition, only relief from the north side yard setback is required. As noted the front yard (east) is presently non-conforming at 69' feet instead of the required 75' feet. The petitioner is requesting a variation down to 14 feet on the north side yard which is approximately a 26' variation to the R-2 side yard requirement of 40' feet. In reality however, the variation is .37' +/- from the edge of the existing detached garage structure as it exists today.

As the proposed improvement serves to increase the existing degree of non-conformity, a variation is required for the improvement to be allowable.

Principal & Accessory Structures and Uses

The standard for accessory structures, as identified in the village code, is identical to the standard for accessory uses in the code, and is listed below;

(B) Definition: An "accessory structure or use" is a structure or use that:

1. Is subordinate in purpose, use, and floor area to, and serves, a principal structure or use; and
2. Is customarily incident to such principal structure or use; and
3. Contributes to the comfort, convenience, or necessity of those occupying, working at, or being served by such principal structure or use; and
4. Except as otherwise expressly authorized by the provisions of this title, is located on the same zoning lot as such principal structure or use; and
5. Is used and controlled by the same person who, at the time of such use, is legally occupying and has legal control over such principal structure or use. (Ord. 2011-O-29, 10-25-2011)

As the standards are identical for both accessory structures and accessory uses, the established policy of "50 % or less" (The "50% Rule") should apply to both accessory structures and uses.

In this instance the proposed total square footage of the structure is 2,759 sq. ft. with 1,424 sq. ft. (51%) being devoted to the principal use (residential) and 1,335 sq. ft. (49%) being devoted to an attached accessory use (garage).

In short, the accessory structure/use is less significant (slightly) than the principal structure/use on the property and the accessory use serves (i.e. is "subordinate to") the principal residential use of the property.

As proposed, the accessory portion of the structure appears in compliance with the definition of a "garage" as defined in the village code below;

GARAGE, PRIVATE: An accessory building or any accessory portion of the principal building, including a carport which is intended for and used to store the private vehicles of the family resident upon the premises, and in which no business, service or industry connected directly or indirectly with automotive vehicles is carried on.

Variation Standards

The variation procedure is intended to provide a narrowly circumscribed means by which relief may be granted from unforeseen particular applications of this code that create practical difficulties or particular hardships on a particular property owner. Often these relate to the unique surroundings, configuration, or topography of a piece of property and are distinguished from a mere “inconvenience” should the regulations strictly implemented.

Standards for Variations are found in Section 5-11-15 of the Zoning Code for the Village of Long Grove. Excepts of these regulation follow;

5-11-15 VARIATIONS

(A) **Authority.** The board of trustees shall have the authority, by Ordinance duly adopted, to grant variations from the provisions of this code, but only in compliance with the procedures set forth in subsection (D) of this section and in those specific instances enumerated in subsection (E) of this section and then only in accordance with each of the standards enumerated in subsection (F) of this section.

(E) **Authorized Variations.**

1. **Permitted Variations.** The board of trustees may vary the provisions of this code only as provided in this paragraph (E) 1. The authority of the board of trustees to vary the provisions of this code is subject to the prohibitions set forth in paragraph (E) 2 of this section and proof by the owner of each of the standards set forth in subsection F of this section.

Under no circumstances shall the list of permitted variations in this paragraph (E) 1 be construed as an entitlement, right, or claim for any owner.

The board of trustees may vary the provisions of this code in the following cases and in no others:

(a) **To permit a yard less than the yard required by the applicable regulations.**

(b) To permit the use of a lot for a use otherwise prohibited solely because of the insufficient area of the lot, but in no event shall the area of the lot be less than ninety percent (90%) of the required lot area.

(c) To permit variations from the sign regulations contained in section 5-9-5 of this code for businesses in the B1 and B2 districts.

2. **Prohibited Variations.** Notwithstanding any other provision of this section, no variation shall be granted that:

(a) Is intended as a temporary measure only; or

(b) Is greater than the minimum variation necessary to relieve the particular hardship or practical difficulty demonstrated by the owner.

(F) Standards for Variations.

1. **General Standards.** No variation shall be recommended or granted pursuant to this section unless the owner shall establish that carrying out the strict letter of the provisions of this code would create a particular hardship or a practical difficulty. Such a showing shall require proof that the variation being sought satisfies each of the standards set forth in this subsection (F):
 - (a) That the lot in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations governing the district in which it is located;
 - (b) That the plight of the owner is due to unique circumstances; or
 - (c) That the variation, if granted, will not alter the essential character of the locality.

 2. **Supplemental Standards.** For the purpose of supplementing the above standards, the Board of appeals shall also, in making this determination whether there are practical difficulties or particular hardships, take into consideration the extent to which the following facts favorable to the owner have been established by the evidence:
 - (a) That the particular physical surroundings, shape or topographical conditions of the specific lot involved would bring a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulation were to be carried out;
 - (b) That the conditions upon which the petition for variation is based would not be applicable generally to other lots within the same zoning classification;
 - (c) That the purpose of the variation is not based exclusively upon a desire to make more money out of the lot;
 - (d) That the alleged difficulty or hardship has not been created by any person presently having an interest in the lot;
 - (e) That the granting of the variation will not be detrimental to the public welfare or injurious to other lots or improvements in the neighborhood in which the lot is located; or
 - (f) That the proposed variation will not impair an adequate supply of light and air to adjacent lots or substantially increase the danger of fire or otherwise endanger the public safety, or substantially diminish or impair property values within the neighborhood.

 3. **Specific Standards.** When the regulations authorizing a particular variation impose special standards to be met for such variation, a variation shall not be recommended or granted unless the owner shall establish compliance with such special standards.
- (G) **Variation Less Than Requested.** A variation less than or different from that requested may be granted when the record supports the owner's right to some relief but not to the relief requested.
- (H) **Conditions on Variations.** The zoning board of appeals may recommend and the board of trustees may impose such specific conditions and limitations concerning use, construction, character, location, landscaping, screening, and other matters relating to the purposes and objectives of this code upon the premises benefited by a variation as may be necessary or appropriate to prevent or minimize adverse effects upon other lots and improvements in the vicinity of the subject lot or upon public facilities and services. Such conditions shall be expressly set forth in the Ordinance granting the variation. Violation of any such condition or limitation shall be a violation of this code and shall constitute grounds for revocation of the variation.
- (I) **Effect of Grant of Variation.** The grant of a variation shall not authorize the establishment or extension of any use nor the development, construction, reconstruction, alteration, or moving of any building or structure, but shall merely authorize the preparation, filing, and processing of applications for any permits and approval that may be required by the codes and ordinances of the village including, but not limited to, a certificate of zoning compliance, a building permit, a certificate of occupancy, and subdivision approval.

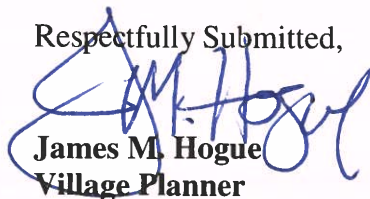
(J) Limitations on Variations. Subject to an extension of time granted by the building superintendent pursuant to section 5-11-1 of this code, no variation from the provisions of this code shall be valid for a period longer than one year unless a building permit is issued and construction is actually begun within that period and is thereafter diligently pursued to completion or unless a certificate of occupancy is issued and a use is commenced within that period.

A variation shall be deemed to authorize only the particular construction or development for which it was issued and shall automatically expire and cease to be of any force or effect if such construction or development shall be removed and not replaced within six months following such removal.

The variation of the side yard requirement as requested is an authorized variation. The variation appears to be minimal and is the least amount of variation required for the improvement to occur and is only slightly greater (in terms of setback) than the non-conformity which exists with detached garage on the property.

The ZBA should review this petition in accordance with the criteria identified above, and in particular the "Standards for Variation", and make their findings of fact accordingly. Any standards (or other conditions) which are recommended should also be considered with this petition as applicable.

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read "James M. Hogue", is written over the typed name and title.

James M. Hogue
Village Planner

Lake County, Illinois



Sources: layer2: Lake County, IL GIS, GeoEye, Maxar
Parcels: Lake County, Illinois GIS Division

			□ Tax Parcel Lines	
Lake County, Illinois	Map Printed on 9/21/2020			
Disclaimer: The selected feature may not occur anywhere in the current map extent. A Registered Land Surveyor should be consulted to determine the precise location of property boundaries on the ground. This map does not constitute a regulatory determination and is not a base for engineering design. This map is intended to be viewed and printed in color.				

Lake County, Illinois



Sources: layer2: Lake County, IL GIS; Google Earth
Parcel: Lake County, Illinois GIS Database

0.01 mi



Lake County, Illinois



Map Printed on 9/21/2020



Tax Parcel Information

 Tax Parcel Lines



**SUBJECT
PROPERTY**

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Lake County, Illinois



Source: Water - Lake County, Illinois GIS, 2019; Flood Hazard - Lake County, IL, GIS, GeoEye, 2019



Lake County, Illinois



Map Printed on 9/21/2020



Flood Hazard Zones

	1% Annual Chance Flood Hazard	1% Annual Chance Flood Hazard
	Regulatory Floodway	Regulatory Floodway
	Special Floodway	Special Floodway
	Area of Undetermined Flood Hazard	Area of Undetermined Flood Hazard
	0.2% Annual Chance Flood Hazard	0.2% Annual Chance Flood Hazard

	Future Conditions 1% Annual Chance Flood Hazard	Future Conditions 1% Annual Chance Flood Hazard
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	Area with Reduced Risk Due to Levee	Area with Reduced Risk Due to Levee
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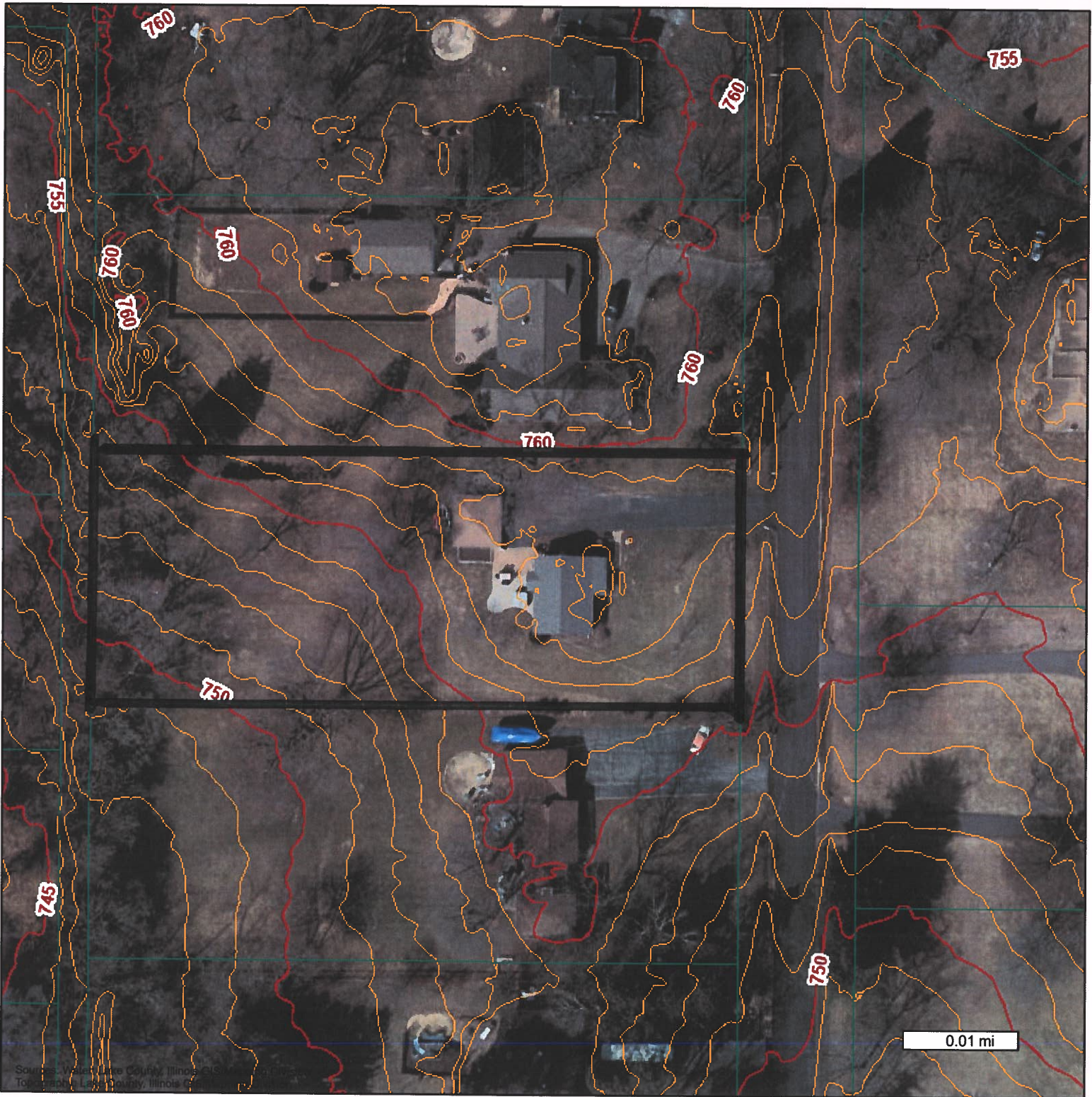
Flood Hazard Boundaries

	Other Boundaries	Other Boundaries
	Limit Lines	Limit Lines
	SFHA / Flood Zone Boundary	SFHA / Flood Zone Boundary

Disclaimer:

The selected feature may not occur anywhere in the current map extent. A Registered Land Surveyor should be consulted to determine the precise location of property boundaries on the ground. This map does not constitute a regulatory determination and is not a base for engineering design. This map is intended to be viewed and printed in color.

Lake County, Illinois



Source: Lake County, Illinois GIS
 Topography: USGS, Lake County, Illinois

			<p>Tax Parcel Information SUBJECT PROPERTY</p> <p> Tax Parcel Lines</p> <p>1ft Contours (2017)</p> <p> Index Index</p> <p> Intermediate Intermediate</p>
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Disclaimer: The selected feature may not occur anywhere in the current map extent. A Registered Land Surveyor should be consulted to determine the precise location of property boundaries on the ground. This map does not constitute a regulatory determination and is not a base for engineering design. This map is intended to be viewed and printed in color.

430.98
12.5
347.18

LINE PARALLEL WITH AND 430.98' EAST OF WEST LINE

130

11

12

13

14

15

16

17

18

130

30' BUILDING LINE

WILLOW SPRING

50'

50'R

30' Building Line