



MEMORANDUM

TO: Village President and Village Board
FROM: James M. Hogue, Village Planner
DATE: July 8, 2020
RE: Board & Commissions Report for 7/14/20

This memo intends to update the Village Board as to the status of projects and activities of the Long Grove Plan Commission & Zoning Board of Appeals (PCZBA), Conservancy & Scenic Corridor Committee (CSCC) and the Architectural Commission (AC).

PCZBA 7.7.20 - 1 Action Item

Consideration of a request for variations of the front yard set-back (north side) requirement from the required one-hundred (100') feet down to six (6') feet and the side yard setback from the required fifty (50') feet down to twenty (20') feet within the R-1 District to allow for the construction of a detached accessory structure (garage) measuring 50'x 36' (1,800 sq. ft.).

VOTE: - Roll Call Vote; 6 aye, 1 Absent Recommending Approval of the request as submitted.

Chairman Wilson indicated that to be in compliance with the Open Meetings Act (for virtual meetings due to COVID) this meeting was being recorded. She then called the meeting to order and swore in the witnesses to give testimony.

Planner Hogue explained the request noting the variations as requested may be considered as authorized variations under the Long Grove Village Code (5-11-15) (E) (1) (a). The proposed use of the property, as well as the zoning, remains residential. This is consistent with properties within the vicinity of the subject property as well as the Village Master Plan.

The property, built upon in 1943, is presently non-conforming with regard to the front yard and east side yard setbacks. The rear yard (south) and west side yard setback both substantially exceed the minimum requirement of 50' feet. The property does conform to the lot size requirements for the R-1 District.

The property in question is a 4.1 acre parcel which is one of six (6) parcels controlled by the petitioner. Two (2) parcels contain structures (built circa 1940), the vast majority of the 21.21 acres controlled by the petitioner (including the "Rosewood Subdivision") have been preserved as open space.

A 40' foot easement of access and utility easement runs across the north side (or front) of this property but appears not to have been utilized for either purpose. The property has a driveway running along the west side of the parcel with access from "Tee-Pee Lane". Per inquires made by the applicant, no utilities are located in the easement. Electrical service is provided by an overhead connection.

The petitioner has provided an exhibit which shows the footprint of a 50' x 36' accessory structure (1800 sq. ft. detached garage). Per the village code regarding detached accessory structures;

(A) Authorization: Subject to the limitations of this section, and except as limited by the regulations of the district where located, accessory structures and uses are permitted in any zoning district in connection with any principal use lawfully existing within such district. (Ord. 2007-O-04, 4-24-2007).

(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).

In determining the "subordinate" nature of an accessory structure, floor area in particular has been utilized. A policy for floor area of 50% or less of the principal structure ("The 50% Rule") has been utilized.

However, the village code also indicates an accessory structure shall be subordinate to the principal structure or use of a property. In this instance the property is used for residential purposes. The property is unique in that it contains a primary residence and "guest house" (permissible on properties of 3 acres or more; not to exceed 850 sq. ft.). The primary residence is comprised of approximately 2,695 sq. ft. of floor area, the "guest house" approximately 470 sq. ft. of floor area. In total, 3165 sq. ft. of floor area is devoted to the principal use of the property.

Using the total floor area of the principal use vs the floor area of the accessory structure, the accessory structure contains 56.8% of the area of the principal use, which remains subordinate to that use, but exceeds the maximum area established by policy (The 50% Rule).

Furthermore, the application notes the existing attached garage was converted to allow handicapped access to the principal structure for a family member. This conversion eliminated any sheltered indoor vehicle storage on the property.

The petitioner cites the need to locate the accessory structure in close proximity to the existing residential uses as well as the preservation of open space as a rationale for the variation request. As the majority of property controlled by the applicant remains vacant is used for open space, "clustering" of improvements in a compact area of the property does help in maximizing open space on the property.

Elevations of the proposed accessory structure have not yet been submitted. As such, the height of the structure is unknown but cannot exceed 15' feet from grade. All other Village code regulations, including building permits, are required for the structure.

Mr. Eliot Dam, son of Mrs. Marcia Dam, petitioner, provided testimony noting that the property had been in family since 1945 and was originally owned by his grandfather. He further explained the request noting that property to the east, also under the control of his mother, was low, unsuitable for building and best used as open space. The property to the west is owned by his uncle and has been put on the market for sale. As easement of

access is being finalized preserve the access across the south end of this property to the driveway on the property in question. The access easement running along the north side of the property is currently not used and never has been utilized for access to this property.

There is also a 40' utility easement running along this side of property as well. To the best of his knowledge this easement has never been utilized for utilities. Inquiries made to local utility companies appear to support this idea (however the utilities note they do not relinquish any future rights to use the easement).

He noted the site selected offered minimal disruption to the property and preserved the maximum amount of trees and open space on the property. The location is secluded and minimizes the visual impacts of the proposed structure and provides ready access to the residential structures on the property. Neighbors have been contacted and those required to receive notification have submitted letters of support for the project.

The existing attached garage on the property has been modified to allow ramp access to main house on the property to provide safe ingress and egress to a handicapped family member. This circumstance provides no other sheltered storage for the 6 vehicles typically on the property.

Mrs. Marcia Dam, property owner, reiterated this testimony and stated her commitment to the conservation of this property in a natural state. The majority of the 21+ acres under her control have been restored to a natural prairie type environment.

Chairman Wilson asked what was the minimum amount of garage space necessary to meet the needs of the applicant. Mr. Dam respond there are 6 vehicles, some of which are antique, which require indoor storage. The proposed 1800 sq. ft. garage is the minimum amount of space required to meet the needs of the applicant.

Commissioner Rubin asked if there were any objections raised to with regard to the request. Planner Hogue noted that the only correspondence received were the letters of support. Outside of these he had received no other communications (positive or negative) from anyone except the applicant regarding the requested variations.

Chairman Wilson then asked Attorney Gates-Alford if the lack or building plans or encroachment into the easement have any effect on the request for variation.

Attorney Gates-Alford responded that building plans are not necessarily needed for the variation request. The requested variations grant relief from the zoning aspects of the proposal. It does not relieve the applicant of any other standards or obligations (such as obtaining building permits) which need to be met regardless of the variation request. With regard to the easement she noted that easement is only identified on a plat of survey. There is no evidence the easement was recorded as a document number is not referenced on the plat. Therefore, it cannot be determined who has rights to this easement. The utility companies contacted indicated there are no utilities present in easement but do not relinquish their rights to the easement. In short the petitioners are proceeding at their own risk with regard to the placement of the structure in easement. This does not necessarily affect the request for variation either.

With no other witnesses present to give testimony the PCZBA then began discussion of the request. Several Commission member indicated they had individually visited the site to get a better understanding of the request. It was noted the property was very unique and set quite a distance to the east of Old McHenry Road, to the point of not being visible from that roadway. This serves to mitigate the visual impacts of the structure which would be an issue in a conventional subdivision. There are also special circumstances regarding the request, namely the desire to maintain open space, conditions on the property including the placement of structures and needs of the applicant with regard to access to the garage and the indoor storage of vehicles. It was noted the location of

the structures were situated on the property over ten years before the village was incorporated which contribute to the uniqueness and non-conforming nature of the property.

Commissioner Cohn made a motion, seconded by Commissioner Kazmer, to recommend approval of the request for variations of the front yard set-back (north side) requirement from the required one-hundred (100') feet down to six (6') feet and the east side yard setback from the required fifty (50') feet down to twenty (20') feet within the R-1 District to allow for the construction of a detached accessory structure (garage) measuring 50'x 36' (1,800 sq. ft.).

During discussion of the motion Commissioner Cohn noted the requested relief was extreme with regard to the amount of relief requested and atypical of variation requests normally considered by the PCZBA. The unique conditions of the property as well as the unique needs of the property owner justify the amount of relief requested by the applicant. These unique conditions of this property warrant the approval of the request and do not set a precedent for future requests of this magnitude.

On a roll call vote, Commissioner Kazmer; aye, Commissioner Cohn, aye, Commissioner Rubin aye, Commissioner Dworak-Mathews; aye, Commissioner Terrett, aye, Commissioner Bauer, absent, Chairman Wilson, aye. Motion carries 6 ayes, 1 absent.

Next Regular Meetings; CSCC; 7.15.20 AC;7.20.20; PCZBA; 8.4.20



STAFF REPORT

TO: LONG GROVE PCZBA
FROM: JAMES M. HOGUE, VILLAGE PLANNER
DATE: 6.22.20
RE: PCZBA REQUEST 20-03 Request for Variations of the front and side yard setback requirement within the R-1 District; for property located at 3378 Old McHenry Road, Submitted by Mrs. Marcia Wachs Dam, Property Owner.

Item: PCZBA PETITION 20-03

Status: Petition submitted 6/7/20. Referral by Village Board not required. Publication in newspaper completed 6.19.18 and is therefore timely.

History: Property is located on the east side of Old McHenry Road and south of a private access easement commonly referenced as "Tee-Pee Lane". The property is zoned under the R-1 District Classification and consists of 4.1 acres (178,871 sq. ft. +/-). The property looks to be a "metes and bounds" parcel and was not formally subdivided and appears to have remained in the current configuration since divided.

The parcel is one of six properties under control of the applicant for a total of 21.21 acres including unbuilt property subdivided as the "Rosewood Subdivision".

The property contains a single family dwelling (built in 1943) and three accessory structures, 2 sheds and a guesthouse. The property is presently non-conforming to the R-1 District setback regulations for a front yard and side yard (east side), but is conforming regarding lot size. A 40' ingress\egress & utility easement runs across the northerly lot line (front) which is not used by this property for access.

Proposal: Consideration of a request for variations of the front yard set-back (north side) requirement from the required one-hundred (100') feet down to six (6') feet and the side yard setback from the required fifty (50") feet down to twenty (20') feet within the R-1 District to allow for the construction of a detached accessory structure (garage) measuring 50' x 36' (1,800 sq. ft.).

Land Use, Zoning and Locational Data:

1. Proposed Zoning: The subject property will retain the R-1 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-1". |
| SOUTH | Vacant (Rosewood Sub.) | Single Family Residential/"R-1". |
| EAST | Vacant\Open Space | Single Family Residential/"R-1" |
| WEST | Residential | Single Family Residential/"R-1". |

3. Location; Common address of 3378 RFD.
4. Acreage; 4.1 Acres +/- (178,871 Sq. Ft.)
5. Based upon information available through Lake County GIS, the property contains no wetlands or floodplain (See Maps).
6. Topography; See topographic map from Lake County GIS.

Zoning Data

| | Existing | Proposed | Zoning Code | PUD |
|--------------------------------------|-----------------------------------|------------------------------|---|------------|
| Lot Area | 178,871 sq. ft. | No Change | 3 Acre Minimum (R-3 Standard) | N/A |
| Floor Area (Total Floor Area) | 3,165 sq. ft.* | Not applicable. | 8,800 sq. ft. +.025 for each sq ft. over 43,560; sq. ft. | N/A |
| Lot Coverage (In Square Feet) | 14,994 +/- sq. ft. (8.3 %) | 16,794 sq. ft. (9.3%) | 71,548 sq.ft. .40 (lot coverage) sq. ft. max. | N/A |
| Height | Unknown | Unknown | 15 ft.** | N/A |

***Main House & Guest House**

****For proposed accessory structure; no change to principal structure**

Yard Requirements (Set-Backs):

| | Existing | Proposed | Zoning Ordinance | P.U.D. |
|---------------------------|-------------------------------------|------------------|-------------------------|---------------|
| Front Yard (North) | 24.0' +/-* (Least Dimension) | 6'*** | 100' | N/A |
| Side Yard (West) | 158.8' +/- | No Change | 50' | N/A |
| Side Yard (East) | 33.5 +/- *** | 20 feet** | 50' | N/A |
| Rear Yard (South) | 380.9' +/- | No Change | 50' | N/A |

*** To existing shed**

**** To proposed accessory structure.**

***** To existing 'Guest House'**

Conclusions:

As requested the petitioner is seeking variations of the front and side yard setback (north and east respectively) requirements from the required front yard of one hundred (100') feet down to six (6') feet and the required side yard of fifty (50') feet down to twenty (20') feet for a detached accessory structure (garage) measuring 50' x 36' (1800 sq. ft.). Such variations may be considered as authorized variations under the Long Grove Village Code (5-11-15) (E) (1) (a). The proposed use of the property, as well as the zoning, remains residential. This is consistent with properties within the vicinity of the subject property as well as the Village Master Plan.

The property, built upon in 1943, is presently non-conforming with regard to the front yard and east side yard setbacks. The rear yard (south) and west side yard setback both substantially exceed the minimum requirement of 50' feet. The property does conform to the lot size requirements for the R-1 District.

The property in question is 4.1 acre parcel which is one of six (6) parcels controlled by the petitioner (see attached map). Although this parcel and one other contain structures (built circa 1940), the vast majority of the 21.21 acres controlled by the petition (including the "Rosewood Subdivision") have been preserved as open space. A network of mowed pathways offering passive recreational opportunities occupies the vast majority of this property (see aerial photo).

A 40' foot easement of access utility easement runs across the north side (or front) of this property but appears not to have been utilized for either purpose. The property has a driveway running along the west side of the parcel with access from "Tee-Pee Lane". Per inquires made by the applicant, no utilities are located in the easement. Electrical service is provided by an overhead connection.

The petitioner has provided an exhibit which shows the footprint of a 50' x 36' accessory structure (1800 sq. ft. detached garage). Per the village code regarding detached accessory;

(A) Authorization: Subject to the limitations of this section, and except as limited by the regulations of the district where located, accessory structures and uses are permitted in any zoning district in connection with any principal use lawfully existing within such district. (Ord. 2007-O-04, 4-24-2007).

(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).*

In determining the "subordinate" nature of an accessory structure, floor area in particular has been utilized. A policy for floor area of 50% or less of the principal structure ("The 50% Rule") has been utilized. However, the village code also indicates an accessory structure shall be subordinate to the principal structure or use of a property. In this instance the property is used for residential purposes. The property is unique in that it contains a primary residence and "guest house" (permissible on properties of 3 acres or more; not to exceed 850 sq. ft.). The primary residence is comprised of approximately 2,695 sq. ft. of floor area, the "guest house" approximately 470 sq. ft. of floor area. In total, 3165 sq. ft. of floor area is devoted to the principal use of the property.

Using the total floor area of the principal use vs the floor area of the accessory structure, the accessory structure contains 56.8% of the area of the principal use, which is subordinate to that use, but exceeds the maximum area established by policy (The 50% Rule).

Furthermore, the application notes the existing attached garage was converted to allow handicapped access to the principal structure for a family member. This conversion eliminated any sheltered indoor vehicle storage on the property.

The petitioner cites the need to locate the accessory structure in close the existing residential uses as well as the preservation of open space as a rationale for the variation request. As the majority of property controlled by the applicant remains vacant is used for open space, "clustering" of improvements in a compact area of the property does help in maximizing open space on the property.

Elevations of the proposed accessory structure have not yet been submitted. As such, the height of the structure is unknown but cannot exceed 15' feet from grade. All other Village code regulations regarding accessory structures, including obtaining building permits, would also need to be met.

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.

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.

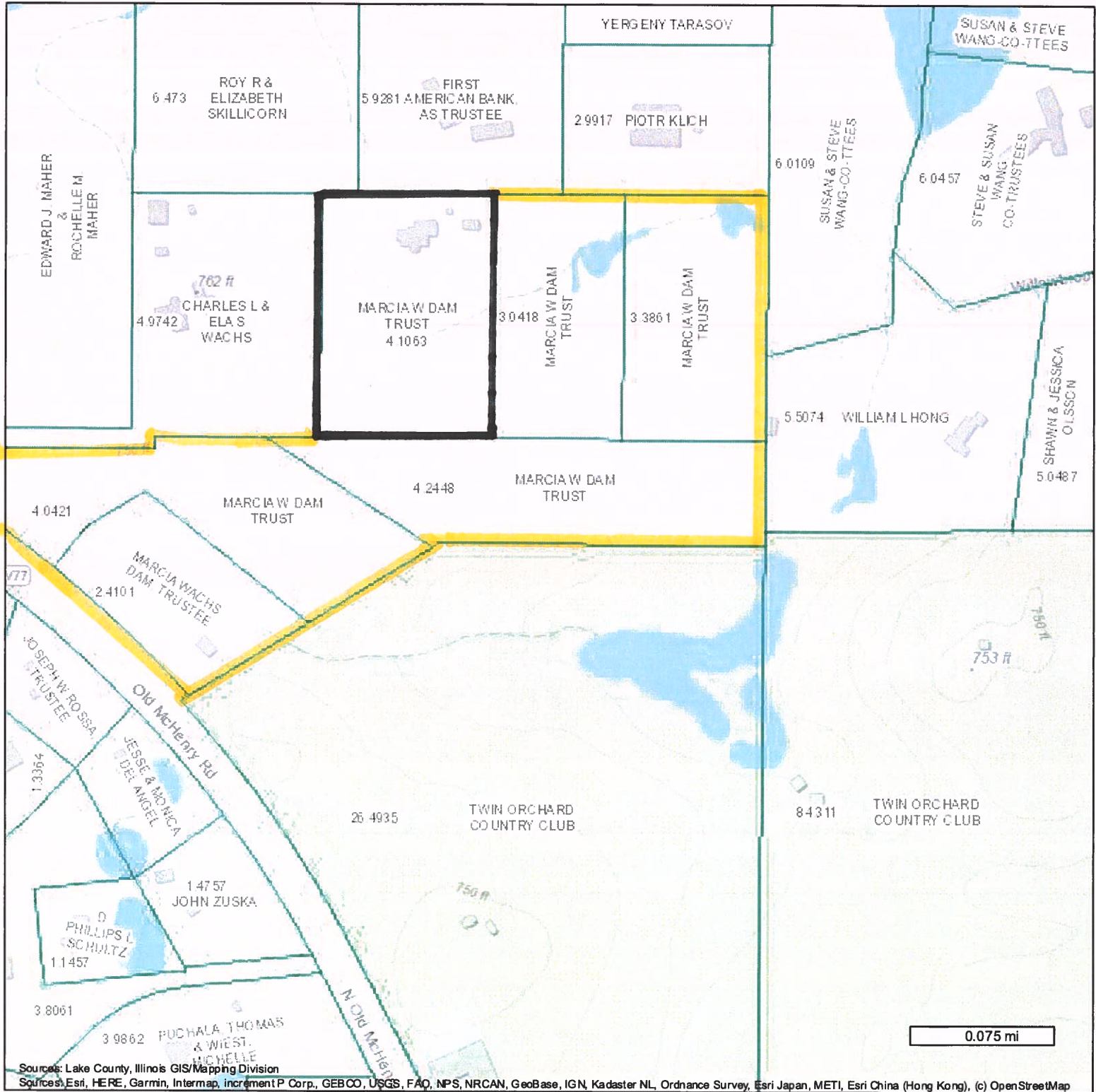
A variation shall be deemed to authorize only the particular construction or development for which it was issued and shall automatically expire and cease to be of any force or effect if such construction or development shall be removed and not replaced within six months following such removal.

The 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.


Respectfully Submitted,

James M. Hogue
Village Planner


Lake County, Illinois




Sources: Lake County, Illinois GIS/Mapping Division
 Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap



Lake County, Illinois



Map Printed on 6/22/2020



Taxpayer Name Labels

Acreage Labels

Tax Parcel Lines

Tax Parcel Information

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: Source: Esri, Maxar, GeoEye, IGN, CNES, Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community
Lake County, Illinois GIS/Mapping Division



Lake County, Illinois



Map Printed on 6/22/2020



Tax Parcel Lines

Tax Parcel
Information



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Lake County, Illinois



Sources: Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community
Lake County, Illinois GIS Division



Lake County, Illinois



Map Printed on 6/22/2020



Tax Parcel Lines

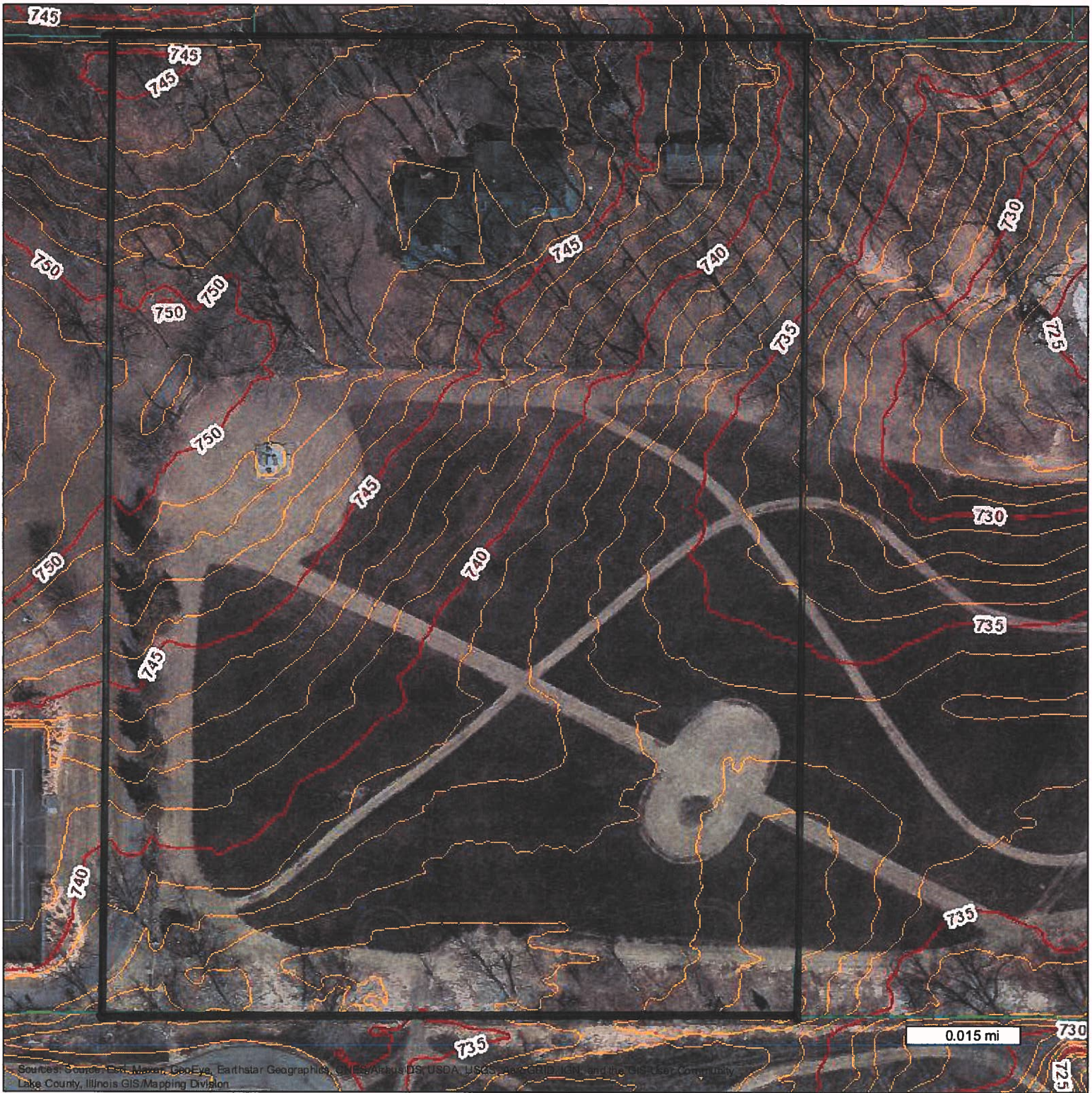
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Lake County, Illinois



Sources: Source Data, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community
 Lake County, Illinois GIS/Mapping Division



Lake County, Illinois



Map Printed on 6/22/2020



Tax Parcel Lines

Intermediate

Tax Parcel
Information



1ft Contours
(2017)

Index

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Lake County, Illinois



Lake County, Illinois



Map Printed on 6/22/2020



Cross-Sections

Base Flood Elevations
Political Jurisdictions
Levees

General Structures

Flood Structure
Bridge
Dam, Weir, Jetty
Other Structure

Flood Hazard Boundaries

Other Boundaries
Limit Lines
SFHA / Flood Zone Boundary

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3110 Old McHenry Road 60047-9635
Phone: 847-634-9440 Fax: 847-634-9408
www.longgroveil.gov

PLAN COMMISSION ZONING BOARD OF APPEALS GENERAL ZONING APPLICATION

1.0 General Information (See Subsection 5-11-8(E) of the Long Grove Zoning Code).

1.1 Applicant Name: MARCIA WACHS DAM
Address: 3378 Old McHENRY RD Long GROVE, IL 60047
Telephone Number: (773) 251-1397 E-mail Address: MARCIA.DAME@GMAIL.COM
Fax number: N/A
Applicant's Interest in Property: OWNER / OCCUPANT

1.2 Owner (if different from Applicant).

Name: _____
Address: _____
Telephone Number: _____ E-mail Address: _____
Fax number: _____

1.3 Property.

Address of Property: 3378 Old McHENRY RD
Legal Description: Please attach Parcel Index Number(s): 1424200027
Present Zoning Classification RES - RESIDENTIAL Size of Property (in acres) 4.1063
Has any zoning reclassification, variation, or special use permit/PUD been granted for the Property?
Yes: _____ No:

If yes, please identify the ordinance or other document granting such zoning relief: _____

Describe the nature of the zoning relief granted: _____

Present use of Property:

Residential Commercial _____ Office _____ Open Space _____ Vacant _____

Other (explain) _____

Present zoning and land use of surrounding properties within 250' of Property:

| | Zoning Classification | Land Use |
|--------|--------------------------|--|
| North: | <u>PES - RESIDENTIAL</u> | <u>40 - RESIDENTIAL IMPROVEMENTS</u> |
| South: | <u>PES - RESIDENTIAL</u> | <u>30 - RESIDENTIAL VACANT LAND / LOTS</u> |
| East: | <u>PES - RESIDENTIAL</u> | <u>30 - RESIDENTIAL VACANT LAND / LOTS</u> |
| West: | <u>PES - RESIDENTIAL</u> | <u>40 - RESIDENTIAL IMPROVEMENTS</u> |

1.4 Trustees Disclosure.

Is title to the Property in a land trust? Yes _____ No

If yes, full disclosure of all trustees, beneficiaries and their legal and equitable interests is required. Attach a copy of all documents showing ownership of the Property and the Applicant's and/ or Owner's control of or interest in the Property.

1.5 Requested Action (Check as many as are applicable).

| | |
|--|---|
| <input type="checkbox"/> Appeal | <input type="checkbox"/> Code Interpretation |
| <input checked="" type="checkbox"/> Variation | <input type="checkbox"/> Special Use Permit (non-PUD) |
| <input type="checkbox"/> Zoning Map Amendment (rezoning) | <input type="checkbox"/> Zoning Code Text Amendment |
| <input type="checkbox"/> Preliminary PUD Plat | <input type="checkbox"/> Final PUD Plat |

1.6 Supplemental Information (General):**

Every Application filed shall, in addition to the data and information required above, provide the following general information when applicable to the use or development for which approval is being sought:

- (a) A description or graphic representation of any development or construction that will occur or any use that will be established or maintained if the requested relief is granted.

- (b) A table showing the following, as applicable:
- the total lot area of the lot, in acres and in square feet; and
 - the total existing and proposed lot area, expressed in acres, in square feet and as a percent of the total development area, devoted to: residential uses, business uses; office uses; college uses; institutional uses; open space; rights-of-way; streets; and off-street parking and loading areas; and
 - the existing and proposed number of dwelling units; and gross and net floor area devoted to residential uses, business uses, office uses, college uses, and institutional uses.
- (c) A table listing all bulk, space, and yard requirements; all parking requirements; and all loading requirements applicable to any proposed development or construction and showing the compliance of such proposed development or construction with each such requirement. When any lack of compliance is shown, the reason therefore shall be stated and an explanation of the village's authority, if any, to approve the Application despite such lack of compliance shall be set forth.
- (d) The certificate of a registered architect or civil engineer licensed by the State of Illinois, or of an owner-designer, that any proposed use, construction, or development complies with all provisions of this code and other village ordinances or complies with such provisions except in the manner and to the extent specifically set forth in said certificate.
- (e) A landscape development plan, including the location, size and species of plant materials.

1.7 Supplemental Information (per specific request):

- Appeals, Code Interpretations, and Variations: See 5-11-8(E)3, 4, & 5 of the Zoning Code and Form "A" ATTACHED
- Special Use Permit (non-PUD): See 5-11-8(E)7 of the Zoning Code and Form "B"
- Zoning Map Amendment (rezoning): See 5-11-8(E) 8 of the Zoning Code and Form "C"
- Zoning Code Text Amendment: See Form "D"
- Preliminary PUD Plat: See 5-11-18(D)(2) of the Zoning Code and Form "E"
- Final PUD Plat: See 5-11-18(D)(3) of the Zoning Code and Form "F"

** The scope and detail of information shall be appropriate to the subject matter of the Application, with special emphasis on those matters likely to be affected or impacted by the approval being sought in the Application. Information required in the application shall be considered the minimum information required for filing an application. Additional information including but not limited to graphic depictions, environmental impacts, plans for sewer and water service and storm water management, photometric plans, traffic studies and effects on property values, among others, should also be considered and may be helpful in detailing the Application.

Special Data Requests. In addition to the data and information required pursuant to this Application, every Applicant/Owner shall submit such other additional data, information, or documentation as the building superintendent or any board or commission before which the Application is pending may deem necessary or appropriate to a full and proper consideration and disposition of the particular Application.

1.8 Consultants.

Please provide the name, address, and telephone number of each professional or consultant advising Applicant with respect to this Application, including architects, contractors, engineers or attorneys:

NONE

Name: _____ Name: _____

Professional: _____ Professional: _____

Address: _____ Address: _____

Telephone: _____ Telephone: _____

E-mail: _____ E-mail: _____

Name: _____ Name: _____

Professional: _____ Professional: _____

Address: _____ Address: _____

Telephone: _____ Telephone: _____

E-mail: _____ E-mail: _____

1.9 Village Officials or Employees.

Does any official or employee of the Village have an interest, either directly or indirectly, in the Property? Yes: _____ No:

If yes, please identify the name of such official or employee and the nature and extent of that interest. (Use a separate sheet of paper if necessary.)

1.10 Successive Applications (5-11-9).

Second Applications Without New Grounds Barred. Whenever any Application filed pursuant to this code has been finally denied on its merits, a second Application seeking essentially the same relief, whether or not in the same form or on the same theory, shall not be brought unless in the opinion of the officer, board, or commission before which it is brought there is substantial new evidence available or a mistake of law or fact significantly affected the prior denial.

New Grounds to Be Stated. Any such second Application shall include a detailed statement of the grounds justifying consideration of such Application.

Summary Denial With or Without Hearing. Any such second Application may be denied by the building superintendent summarily, and without hearing, on a finding that no grounds appear that warrant a new hearing. In any case where such Application is set for hearing, the owner shall be required to establish grounds warranting reconsideration of the merits of its Application prior to being allowed to offer any evidence on the merits. Unless such grounds are established, the Application may be summarily dismissed for such failure.

Exception. Whether or not new grounds are stated, any such second Application filed more than two years after the final denial of a prior Application shall be heard on the merits as though no prior Application had been filed. The Applicant or Owner shall, however, be required to place in the record all evidence available concerning changes of conditions or new facts that have developed since the denial of the first Application. In the absence of such evidence, it shall be presumed that no new facts exist to support the new petition that did not exist at the time of the denial of the first Application.

2.0 Required Submittals (See Specific Supplemental Information Form for filing Fees).

- Fully completed Application with applicable supplementary information
- Non-refundable Filing Fee. Amount: \$ 200⁰⁰
- Planning Filing Fees. Amount: \$ 150⁰⁰
- Minimum Professional Fee/deposit Escrow. Amount \$ 500⁰⁰

3.0 Certifications. The Applicant and Owner certify that this Application is filed with the permission and consent of the Owner of the Property and that the person signing this Application is fully authorized to do so.

3.1 The Applicant certifies that all information contained in this Application is true and correct to the best of Applicant's knowledge.

- 3.2 The Applicant acknowledges that the Village may seek additional information relating to this Application and agrees to provide the Village with such information in a timely manner. Failure to provide such information may be grounds for denying an Application.
- 3.3 The Applicant and Owner agree to reimburse the Village for any and all costs relating to the processing of this Application, including any consultants' fees. By signing this Application, Applicant and Owner agree to be jointly and severally liable for such costs, and Owner further agrees to the filing and foreclosure of a lien against the Property for all such costs plus all expenses relating to collection, if such costs are not paid within 30 days after mailing of a demand for payment.
- 3.4 The Applicant agrees that the Village and its representatives have the right, and are hereby granted permission and a license, to enter upon the Property, and into any structures located there on, for purposes of conducting any inspections that may be necessary in connection with this Application.
- 3.5 The Owner, Applicant, and/or designated representative is required to be present during the meeting.

Marcia Wachs Dam
Name of Owner

Marcia Wachs Dam
Name of Applicant

Marcia Wachs Dam 6/7/20
Signature of Owner Date

Marcia Wachs Dam 6/7/20
Signature of Applicant Date

Request for Variance for Garage Construction at 3378 Old McHenry Rd.

Form "A"

As outlined in the accompanying letter, the following is the requested variance for Garage construction at 3378 Old McHenry Road.

- A. Proposed erection of a steel 50 x 36 garage in a cement slab on grade at the north east corner of the above property (parcel ID:1424200027)
- B. Variance from the 40' easement regulation is sought. This is also a utility easement and as such we have confirmed with Julie and all utilities that there is no impact to any utility infrastructure in the vicinity of the proposed garage site.
- C. As outlined in an attached letter, the requested site is necessary due to the mobility constraints of the inhabitants of the property and the full-time caregivers which are required to support Mr. Dam who suffers from paralysis of his lower limbs and very limited use of his right arm.
- D. The variation requested would reduce the easement to 6' adjacent to the erected garage. This area would be protected and shielded visibly by tree cover.
- E. Specific to the variations section of the Village Zoning Regulation section 5-11-5, this package of information including plat and utility information is submitted to the zoning board of appeals on June 8th in advance of the July 7th Board of appeals meeting. Every effort has been made to outline the need for the proposed variation and the unique circumstance which create hardship in the use of other sites for the proposed garage. This is outlined in an attached letter which also details how the proposed garage would not alter the nature of the surrounding lot(s) and enable the continued preservation of wild prairie which is a predominant feature of this and adjacent lots.
- F. A plat of survey and applicable Lake County GIS information have been included in the document containing the above narrative.
- G. In mpaddition, a statement of the lack of conformity in the approval being requested has been outlined in the attached narrative document.