



AGENDA PACKET
VILLAGE OF LAKE ZURICH
Planning and Zoning Commission Meeting Agenda

July 21, 2021
07:00 pm

VILLAGE OF LAKE ZURICH

PLANNING AND ZONING COMMISSION MEETING AGENDA

JULY 21, 2021
07:00 PM
AGENDA

1. CALL TO ORDER AND ROLL CALL

Chairperson Orlando Stratman, Vice-Chair William Riley, Antonio Castillo, Ildiko Schultz, Craig Dannegger, Joe Giannini and Mike Muir.

2. CONSIDERATION OF MINUTES AND FINDINGS OF THE COMMISSION

Minutes of the Planning and Zoning Commission Meeting, on June 16, 2021.

3. PUBLIC MEETING

(This agenda item includes items that do not require public testimony)
No items received.

4. PUBLIC HEARING

(This agenda item includes proposals presented to the Planning & Zoning Commission requiring public testimony, discussion and recommendation to the Village Board for final action.)

A. 27 South Shore Lane -- Variation (PZC 2021-08):

Application to allow a new brick paver patio to extend into the 20-foot required rear yard setback on the property
Applicant and Owner: Nathan and Lauren Gustin.

Attachment: [4A.pdf](#)

5. OTHER BUSINESS

6. STAFF REPORTS

This is an opportunity for staff of the Community Development Department to report on matters of interest to the Planning & Zoning Commission

7. PUBLIC COMMENT

This is an opportunity for residents to comment briefly on matters included on the agenda and otherwise of interest to the PZC.

8. ADJOURNMENT



At the Heart of Community

COMMUNITY DEVELOPMENT DEPARTMENT

505 Telser Road
Lake Zurich, Illinois 60047

(847) 540-1696
Fax (847) 726-2182
LakeZurich.org

APPLICATION PZC 2021-08
PZC Hearing Date: July 21, 2021

AGENDA ITEM 4A

STAFF REPORT

To: Chairperson Stratman and Members of the Planning & Zoning Commission

From: Sarosh Saher, Community Development Director

CC: Mary Meyer, Building Services Supervisor
Tim Verbeke, Planner

Date: July 21, 2021

Re: PZC 2021-08 Zoning Application for a Variation
27 South Shore Lane

SUBJECT

Mr. Nathan and Ms. Lauren Gustin (the “Applicants”) request a Variation from Zoning Code Section 9-3-11-E-6-h, “Specified Structures and Uses in Required Yards” pursuant to Section 9-3-11-C-3, Residential Minimum Yards: Rear Yard, to allow for the construction of a patio (referred to as a “Terrace” in the Lake Zurich Zoning Code) that will encroach into the required 20-foot rear yard setback at the property commonly known as 27 South Shore Lane, legally described in Exhibit A attached hereto (the “Subject Property”). The property is located within Froelich’s South Shore Subdivision.

GENERAL INFORMATION

Requested Action: Variation of the Rear Yard Setback for Terraces (Patios)

Current Zoning: R-5 Single Family Residential District

Current Use: Single Family Home

Property Location: 27 South Shore Lane

Applicant and Owner: Mr. Nathan and Ms. Lauren Gustin

Staff Coordinator: Tim Verbeke, Planner

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LIST OF EXHIBITS

- A. Legal Description
- B. Public Hearing Sign
- C. Site Photos
- D. Aerial Map
- E. Zoning Map
- F. Parcel Map
- G. Development Application and Attachments
- H. Development Review Comments

BACKGROUND

Mr. Nathan and Ms. Lauren Gustin (the “Applicants”), are the owners of the property located at 27 South Shore Lane, and legally described in Exhibit A attached hereto (the “Subject Property”). The Applicant filed an application with the Village of Lake Zurich received on July 21, 2021 (the “Application”) seeking:

- A Variation from Code Section 9-3-11-E-6-h, “Specified Structures and Uses in Required Yards” pursuant to Section 9-3-11-C-3, Residential Minimum Yards: Rear Yard

The Subject Property is located within the Village’s R-5 Residential District that provides for single-family homes. The R-5 zoning district requires a 30-foot setback from the rear lot line for primary and accessory structures. Terraces may be located no less than 20 feet from the rear lot line or 5 feet from any interior side lot line (as provided for in Item 6-h). In the case of the subject property, the terrace is proposed to be constructed 4.5 feet from the rear lot line but will not encroach into the interior side yard or street yard setback.

Note: the term “Terrace” is used in place of “Patio” within Title 9 “Zoning” of the Lake Zurich Municipal Code, wherein, the definition of “terrace” is as follows:

TERRACE: A level plane or surfaced patio, abutting a principal building at grade with no railings or other vertical structural elements and not covered by any permanent structure.

No definition of “patio” is provided for in the municipal code.

Terraces are additionally subject to the provisions of the Village of Lake Zurich Zoning Code and the 2012 International Building Code. Such provisions require a concrete terrace to have a 6x6 #10 wire mesh with a minimum of 4” of compacted gravel base, CA-6, and a minimum of 4 inches of poured concrete. A brick paver patio, which the Applicant is proposing, requires a minimum of 6-12 inches of base gravel and 1-1 ½ inches of bedding. The bedding must be installed on 4 inch high lifts with the appropriate edge restraints.

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Other structures within the rear yard. Currently, there is a detached garage on the subject property that is adjacent to the proposed terrace location and is approximately 5 feet from the rear lot line. The garage is in conformance with the allowable zoning code. The proposed terrace will encroach only 0.5 foot closer to the rear lot line than the existing garage. The owners will obtain the clearance from all utility companies to install the terrace in the rear yard prior to construction. There are no Village utility easement requirements or grade concerns that would prevent the terrace from being constructed in the rear portion of this lot.

Neighborhood precedence. In 2009, the adjacent property to the north at 35 South Shore Lane obtained a similar variation to allow for the construction of a patio 10 feet from the rear property line. This was granted through Ord. 2009-10-662.

Pursuant to public notice published on July 6, 2021, in the Daily Herald, a public hearing has been scheduled with the Lake Zurich Planning & Zoning Commission for July 21, 2021, to consider the Application. On July 2, 2021, the Village posted a public hearing sign on the Subject Property (Exhibit B).

Staff offers the following additional information:

- A. Courtesy Review.** Due to the low impact of this project, courtesy review was not recommended.
- B. Zoning History.** The property is located within Froelich's South Shore Subdivision in Lake County and is zoned within the R-5 Single Family Residential District. The property was platted in November of 1929.
- C. Surrounding Land Use and Zoning.** The subject property is zoned within the R-5 Single Family Residential District. The surrounding properties on the north south and west are zoned R-5 Single Family Residential District and are improved with residences similar in vintage to the Subject Property. the property to the west is developed with mobile homes within South Shore Village. The properties to the east of the subject property are zoned within the R-4 Single Family Residential District and are currently unimproved within Lake Zurich Oaks Subdivision with the exception of one lot.
- D. Trend of Development.** The residence at 27 South Shore Lane is an older home within a section of a mature residential neighborhood. The original home was constructed in 1944 during the first stage of development of Froelich's South Shore Subdivision. It is a one-story home and is consistent with other homes in the subdivision that were constructed between the 1930s and 1960s.

However, over time, a number of the modest homes originally built were replaced with newer and larger homes, due to the attraction and proximity of the lake.

- E. Zoning District.** The zoning code provides for four (4) zoning districts for single-family residential development. The single-family districts provide for a limited range of single-

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family detached housing densities consistent with the village's established single-family residential neighborhoods. The R-5 district allows for somewhat higher density residential use and smaller lot sizes.

Taken as a whole, the residential district regulations are intended to preserve established neighborhoods and encourage new residential development, but only in a manner consistent with the overall character of the village. (Ord., 10-2004)

Specifically, as it relates to properties along South Shore Lane, the zoning code recognizes these older smaller lots that were platted with lot areas far less than the required 10,000 square feet and provides for their subdivision and development. The subject property is comprised of two parcels of 6,800 square feet each for a total land area of 13,600 square feet. The parcels are consistent with the other lots platted within the subdivision.

- F. General provisions for the granting of variations.** The purpose of the variation procedure is intended to provide a narrowly circumscribed means by which relief may be granted from unforeseen particular applications of the zoning code that create practical difficulties or particular hardships for which no other remedy is available.

Section 9-17-3 entitled "Authorized Variations" provides a list of the zoning code provisions that may be varied by authority of the Village Board.

GENERAL FINDINGS

Staff of the Community Development Department and its development review team have evaluated the development against the various standards and provisions of the Lake Zurich Municipal Code and offer findings on specific sections of the Code as they relate to the development of the property.

9-17-4: STANDARDS FOR VARIATIONS.

- A. General Standard: No variation shall be granted pursuant to this chapter unless the applicant shall establish that carrying out the strict letter of the provisions of this zoning 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 section.

Staff Response: Standard met. Applicant has shown proof that there is a practical difficulty in constructing the terrace in compliance with the provisions of the current provisions of the zoning code. The proposed terrace is restricted in size due to the rear yard dimensions and setbacks. The variation being sought will provide utility to the proposed terrace and satisfy each of the standards set forth in this section.

- B. Unique Physical Condition: The subject property is exceptional as compared to other lots subject to the same provision by reason of a unique physical condition, including presence

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of an existing use or structure, whether conforming or nonconforming; irregular or substandard shape or size; exceptional topographical features; or other extraordinary physical conditions peculiar to and inherent in the subject property that amount to more than a mere inconvenience to the owner and that relate to or arise out of the lot rather than the personal situation of the current owner of the lot.

Staff Response: Standard met. Lot 16 of Froelich's South Shore Subdivision has a relatively smaller rear yard based on its 100-foot lot depth and configuration within the subdivision. This hardship is also recognized in Section 9-3-11-E-3 of the Zoning Code recognizing this configuration of smaller lots in the area.

This configuration is not conducive to accommodating most types of backyard accessory structures. The proposed terrace therefore requires a variation to encroach into the rear yard setback and give it the necessary depth to make it a usable feature.

- C. Not Self-Created: The aforesaid unique physical condition is not the result of any action or inaction of the owner, or of the owner's predecessors in title and known to the owner prior to acquisition of the subject property, and existed at the time of the enactment of the provisions from which a variation is sought or was created by natural forces or was the result of governmental action, other than the adoption of this zoning code, for which no compensation was paid.

Staff Response: Standard met. The unique or extraordinary physical condition was not the result of any action of the property owner, rather a result of the design and configuration of the subdivision and the original builder of the home who is not known to the current property owner.

- D. Denied Substantial Rights: The carrying out of the strict letter of the provision from which a variation is sought would deprive the owner of the subject property of substantial rights commonly enjoyed by owners of other lots subject to the same provision.

Staff Response: Standard met. The owners are requesting an outdoor 26 foot by 21-foot terrace on their property. Denying the terrace to be built would deny the property owners to opportunity to enjoy a feature offered to other residents in the community.

- E. Not Merely Special Privilege: The alleged hardship or difficulty is not merely the inability of the owner or occupant to enjoy some special privilege or additional right not available to owners or occupants of other lots subject to the same provision, nor merely an inability to make more money from the use of the subject property; provided, however, that where the standards herein set out exist, the existence of an economic hardship shall not be a prerequisite to the grant of an authorized variation.

Staff Response: Standard met. The hardship does not involve the inability of the owner to enjoy any special privilege in using the property. Granting the variation will

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allow the current owners to enjoy an outdoor terrace space that is traditional and customary to the enjoyment and use of a residential property.

- F. Code and Plan Purposes: The variation would not result in a use or development of the subject property that would be not in harmony with the general and specific purposes for which this zoning code and the provision from which a variation is sought were enacted or the general purpose and intent of the official comprehensive plan.

Staff Response: Standard met. Granting the variation would not change the residential use of the Subject Property. The location and design of the home, terrace and other accessory structures will continue to remain in harmony with the residential purpose of the zoning code and comprehensive plan.

- G. Essential Character of the Area: The variation would not result in a use or development on the subject property that:

1. Detrimental to Enjoyment: Would be materially detrimental to the public welfare or materially injurious to the enjoyment, use, development, or value of property or improvements permitted in the vicinity; or

Staff Response: Standard met. Granting of the variation will not create a negative effect on public welfare, enjoyment, development, or value of property if the Applicant is granted the requested variation.

2. Light and Air: Would materially impair an adequate supply of light and air to the properties and improvements in the vicinity; or

Staff Response: Standard met. Granting of the variation would have no effect on the supply of light and air to the subject property or those properties in the vicinity as the Applicants only wish to construct a terrace that encroaches 15.5 feet into the allowable rear yard setback. The terrace is proposed to be built to modern standards of the building and zoning code, and will not impede the drainage flow on the property.

3. Congestion: Would substantially increase congestion in the public streets due to traffic or parking; or

Staff Response: Not Applicable. Granting of the variation would not affect any congestion due to traffic or parking as the land use or density of the property is not being altered.

4. Flood or Fire: Would unduly increase the danger of flood or fire; or

Staff Response: Standard met. The proposed terrace will conform to current building codes and therefore would not increase any risk of flood

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or fire. The zoning lot comprises of two parcels for a total land area of 13,600 square feet and possesses sufficient pervious landscaped areas.

5. Tax Public Facilities: Would unduly tax public utilities and facilities in the area; or

Staff Response: Standard met. No utilities are proposed to be connected to the proposed terrace. Any new electrical connection to the terrace would be incidental to the residential use of the property. Granting of the variation would therefore not cause the property to unduly tax public utilities or facilities in the area since its function would not change.

6. Endangerment: Would endanger the public health or safety.

Staff Response: Standard met. The proposed variation would not affect the public's health, safety or welfare. The terrace proposes to reduce the rear yard setback to 4.5 feet towards the adjacent neighbors in South Shore Village. The Applicant has obtained the consent of the property owner who would likely experience the impact of the new patio – located to the rear of the subject property. Additionally, the Applicant currently has a row of evergreens that will be maintained to create screening between the two properties thereby further mitigating the impact of the proposed terrace.

Additionally, the side of the terrace will not extend past the farthest north portion of the home and will therefore have minimal visibility from the street.

- H. No Other Remedy: There is no means other than the requested variation by which the alleged hardship or difficulty can be avoided or remedied to a degree sufficient to permit a reasonable use of the subject property.

Staff Response: Standard partially met. The dimensions of the terrace are not at the minimum adjustment that the property owner could apply to give the terrace a reasonable level of functionality – namely, a smaller terrace can be constructed at the rear with a variation and still be functional. Additionally, the terrace may be constructed at another location on the subject property – within the open space to the north and in compliance with the codes.

However, the terrace can only be built in the proposed location to have the desired utility that such a feature offers – close proximity and with direct access to the house. Due to the extraordinary configuration of the lot, any other location would either not offer sufficient room to give the feature any utility, or place it in an area where such features are prohibited, or in the side yard (on the open portion of the lot) making it readily visible from the street where it would not be practical or offer the owners a desired level of privacy.

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The proposed terrace is being constructed to roughly the same setback as the existing detached garage and is therefore not creating a precedence for additional non-conformity on the property.

Further, the following measures or existing features serve as mitigation of the variation being requested:

1. A privacy fence and landscape material along the rear lot line current screen the existing detached garage and proposed terrace from view from the adjacent property to the west;
2. The vacant parcel to the north, also owned by the Applicants, creates a buffer from the proposed terrace;
3. The existing garage screens the proposed terrace from property to the south;
4. The proposed terrace creates less impact on the adjacent property to the south than the existing detached garage as it possesses less bulk than the garage;
5. The owner of the adjacent property has not objected to the construction of the terrace as proposed; and
6. There is precedence for similar variations being granted within this subdivision.

Staff therefore recommends approval of the variation, despite the partial compliance with this standard.

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RECOMMENDATION

The recommendation of the Planning and Zoning Commission should be based on the standards included in the following Sections of the Lake Zurich Municipal Code:

- Section 9-17-4: Standards for Variations

Section 9-17-5 entitled "Variation less than requested" provides the PZC with the option of granting a variation less than or different from that requested when the record supports the applicant's right to some relief but not to the relief requested.

Based on the review of the standards for approval which have been met with the exception of Standard H, staff recommends that the Planning and Zoning Commission make these standards a part of the official record of the Application.

Further, based on the existing conditions and mitigation proposed by the owner as further described in the staff response to Standard H, Staff of the Community Development Department recommends the approval of PZC 2019-05, subject to the following conditions:

1. Substantial conformance with the following documentation submitted as part of the application and subject to revisions required by Village Staff, Village Engineer, and any applicable governmental agencies:
 - a. Zoning Application prepared by Nathan and Lauren Gustin, homeowners of 27 S Shore Lane; and Cover Letter both dated June 10, 2021.
 - b. Exhibit A: Legal Description of the Subject Property
 - c. Plat of Survey provided by Nathan and Lauren Gustin, dated June 10, 2021.
 - d. Building Permit Application prepared by Nathan and Lauren Gustin, dated June 10, 2021.
2. As further mitigation for development of patio the applicant shall agree not to further increase the amount of impervious surface on the parcel (Lot 16), beyond what is being proposed.
3. The Applicant shall ensure that the existing fence and landscape material along the lot line coterminous with the adjacent property to the west that serves as visual screening and shall be properly maintained to continue its function as visual screening.
4. The development shall be in compliance with all other applicable codes and ordinances of the Village of Lake Zurich.

Respectfully Submitted,

Tim Verbeke, Planner

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LAKE ZURICH PLANNING & ZONING COMMISSION
FINAL FINDINGS & RECOMMENDATIONS

27 SOUTH SHORE
JULY 21, 2021

The Planning & Zoning Commission recommends approval of Application PZC 2021-08, and the Planning & Zoning Commission adopts the findings as contained within the Staff Report dated **July 21, 2021** for this Application and subject to any changes or approval conditions as listed below:

1. Substantial conformance with the following documentation submitted as part of the application and subject to revisions required by Village Staff, Village Engineer, and any applicable governmental agencies:
 - a. Zoning Application prepared by Nathan and Lauren Gustin, homeowners of 27 S Shore Lane; and Cover Letter both dated June 10, 2021.
 - b. Exhibit A: Legal Description of the Subject Property
 - c. Plat of Survey provided by Nathan and Lauren Gustin, dated June 10, 2021.
 - d. Building Permit Application prepared by Nathan and Lauren Gustin, dated June 10, 2021.
 2. As further mitigation for development of patio the applicant shall agree not to further increase the amount of impervious surface on the parcel (Lot 16), beyond what is being proposed.
 3. The Applicant shall ensure that the existing fence and landscape material along the lot line coterminous with the adjacent property to the west that serves as visual screening and shall be properly maintained to continue its function as visual screening.
 4. The development shall be in compliance with all other applicable codes and ordinances of the Village of Lake Zurich.
- ☐ Without any further additions, changes, modifications and/or approval conditions.
- ☐ With the following additions, changes, modifications and/or approval conditions:

Planning & Zoning Commission Chairman

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EXHIBIT A
LEGAL DESCRIPTION OF SUBJECT PROPERTY

LOTS 16 AND 17 IN FROELCH'S SOUTH SHORE SUBDIVISION OF PART OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 19, AND THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 20, TOWNSHIP 43 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF, RECORDED NOVEMBER 14, 1929 AS DOCUMENT 346314, IN BOOK "V" OF PLATS, PAGE 7, IN LAKE COUNTY, ILLINOIS.

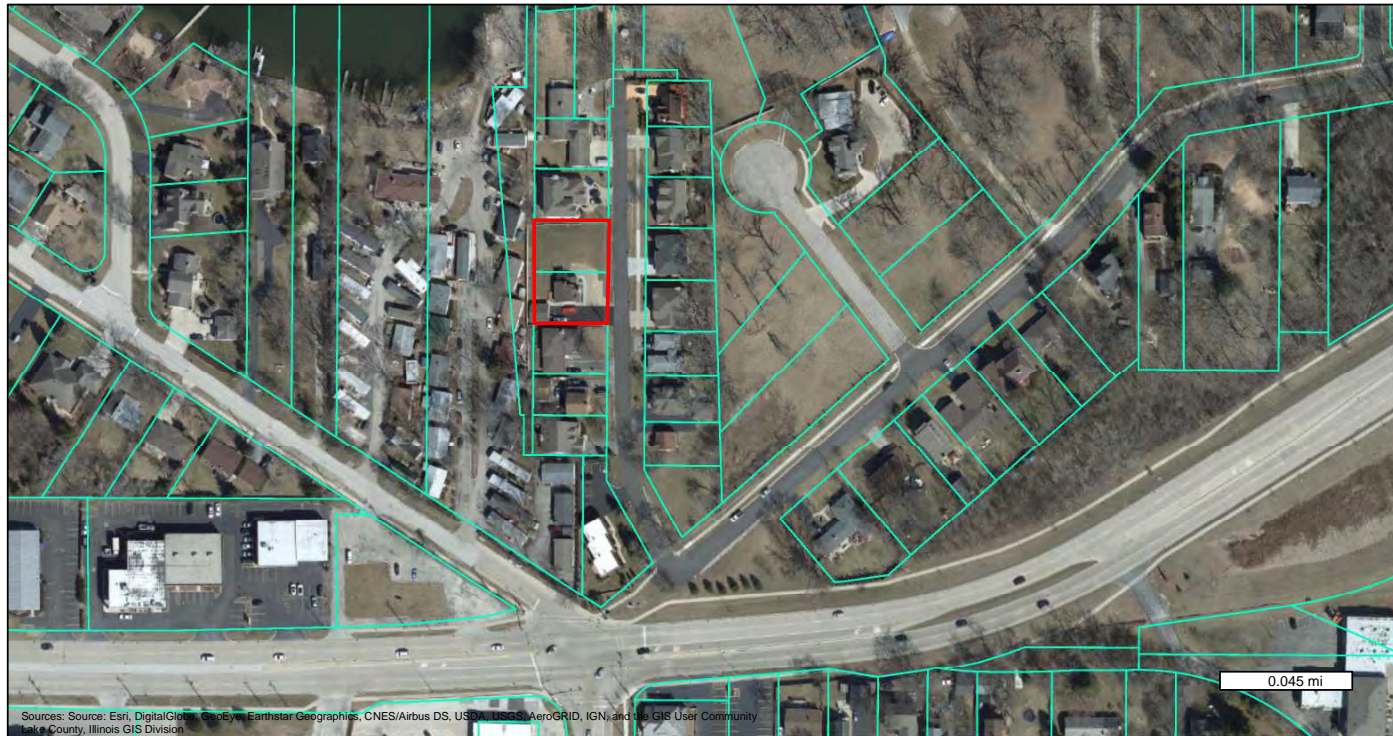
Staff Report
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EXHIBIT B
HEARING SIGN ON SUBJECT PROPERTY



27 South Shore Lane



Map Printed on 10/30/2019



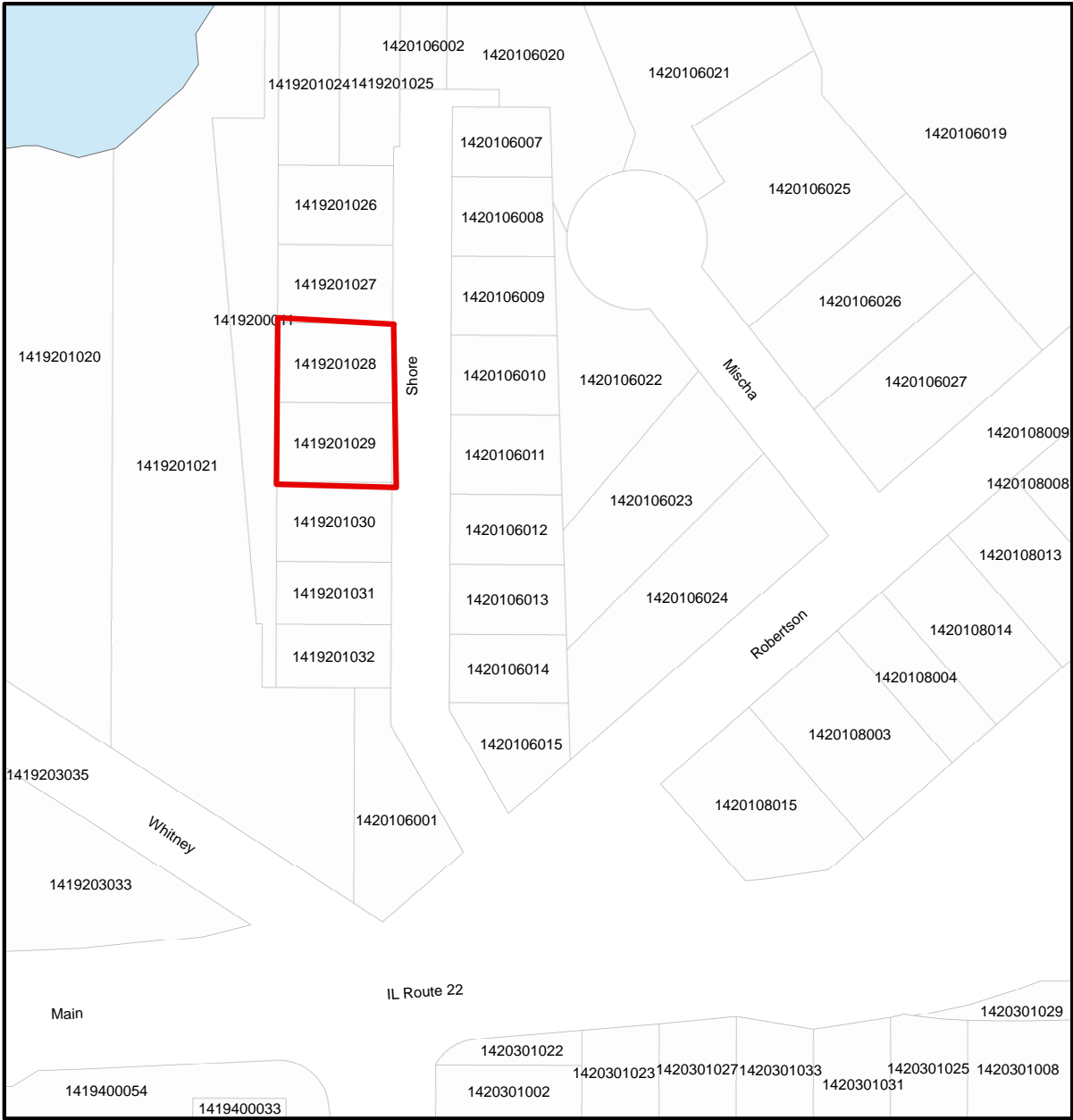
Tax Parcel Lines
Tax Parcel
Information

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.



27 South Shore Lane Setback Variation

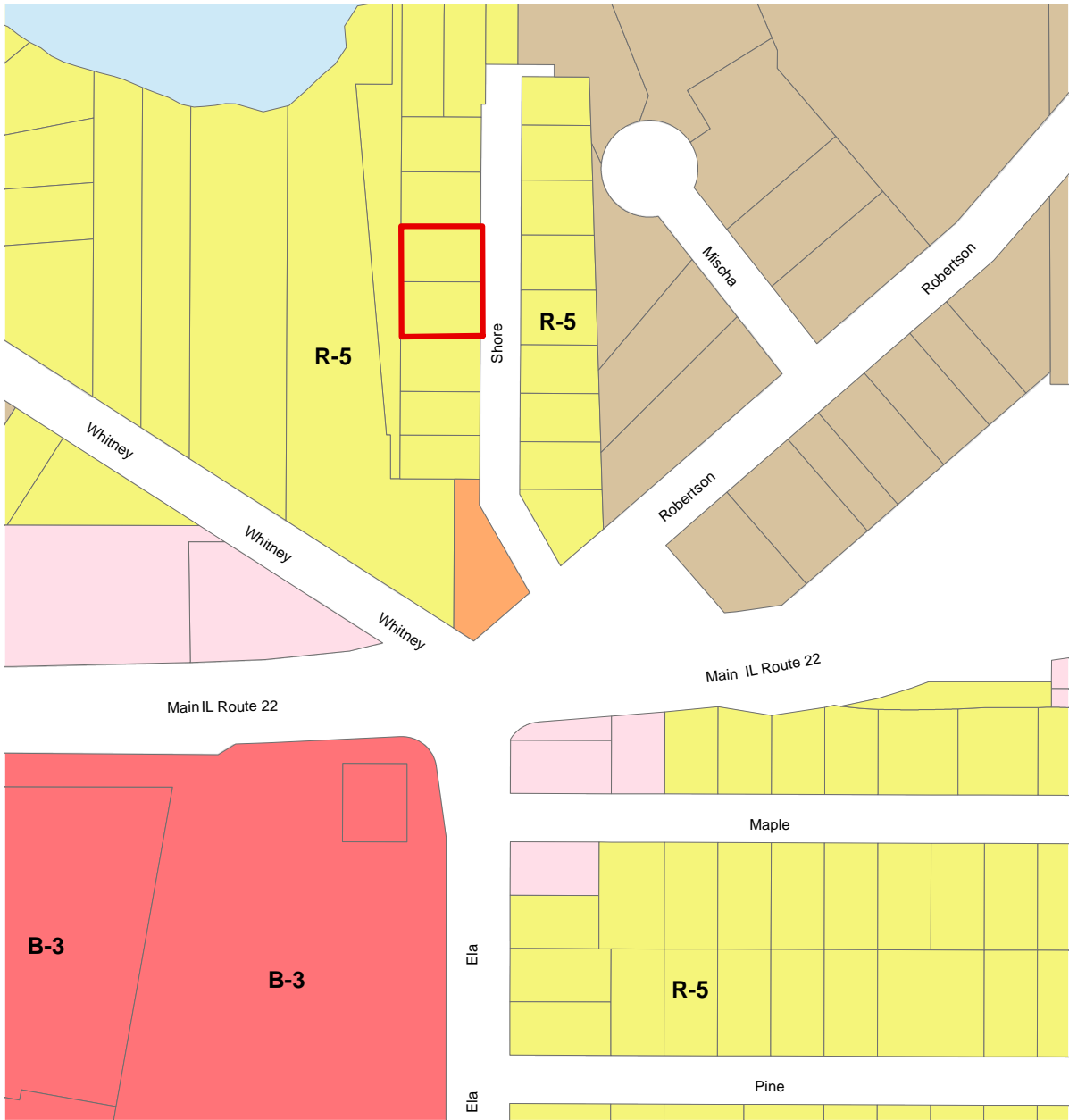


COMMUNITY SERVICES DEPARTMENT
Building and Zoning Division
505 Telser Road, Lake Zurich, Illinois 60047

(847) 540-1696
Fax: (847) 726-2182
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27 South Shore Lane Setback Variation



COMMUNITY SERVICES DEPARTMENT
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LakeZurich.org



(Please Type or Print)

ZONING APPLICATION

Community Development Department
505 Telser Rd.
Lake Zurich, IL 60047
Phone: (847) 540-1696
Fax: (847) 540-1769

1. Address of Subject Property: 27 S Shore Lane
2. Please attach complete legal description
3. Property Identification number(s): 14-19-201-028
4. Owner of record is: Nathan and Lauren Gustin Phone: 8152451302
E-Mail: nathan.tyler.gustin@gmail.com Address: 27 S Shore Lane
5. Applicant is (if different from owner): _____ Phone: _____
E-Mail: _____ Address: _____
6. Applicant's interest in the property (owner, agent, realtor, etc.): owner
7. All existing uses and improvements on the property are: Residential
8. The proposed uses on the property are: primary residence
9. List any covenants, conditions, or restrictions concerning the use, type of improvements, setbacks, area, or height requirements placed on the Subject Property and now of record and the date of expiration of said restrictions:
10. Describe any contract or agreement of any nature relevant to the sale or disposal of the Subject Property:
none
11. For applications requiring a public hearing, please attach a list which contains the PIN, owner, and owner's mailing address of all properties located within 250 feet (excluding all Public Right-of-Ways) of the Subject Property.

THE APPLICANT'S SIGNATURE BELOW INDICATES THE INFORMATION CONTAINED IN THIS APPLICATION AND ON ANY ACCOMPANYING DOCUMENTS IS TRUE AND CORRECT.
THE APPLICANT ALSO ACKNOWLEDGES IF THE CONSULTANT EXPENSES EXCEED THE INITIAL ESCROW DEPOSIT, THE APPLICANT WILL REIMBURSE THE ACCOUNT IMMEDIATELY.

NATHAN GUSTIN
(Name of applicant)

Nathan Gustin
(Signature of applicant)

Subscribed and sworn to before me this 10th day of June, 2021.

Heather Mahmoud
(Notary Public)

My Commission Expires 01/19/2025

(Name of Owner, if different)

(Signature of Owner, if different)

Subscribed and sworn to before me this _____ day of _____, 2021.

(Notary Public)

My Commission Expires _____



Please indicate what form of zoning relief your application requires. For assistance, please contact Staff:

☐ Zoning Code **Map** Amendment to change zoning of Subject Property from ____ to ____

☐ Zoning Code **Text** Amendment to amend the following section(s) of the Zoning Code _____

(See Section 18-103 of the Lake Zurich Zoning Code for specific standards. If a specific parcel is the subject of this amendment, then provide the additional information listed in Section 18-103C.)

☐ Special Use Permit/Amendment for _____

(See Section 19-103 of the Lake Zurich Zoning Code for specific standards.)

☐ Planned Unit Development/Major Adjustment/Amendment

(Planned Unit Developments are a distinct category of special use and are intended to create a more desirable environment than through strict application of the zoning and subdivision regulations. See Section 22-105 of the Lake Zurich Zoning Code for specific standards. Please list all the 'modifications' requested in the cover letter.)

☒ Variation for 9-3-11- E6h

(See Section 17-104 of the Lake Zurich Zoning Code for specific standards. Please indicate what your specific hardships are in the cover letter.)

☐ Modification to the Land Development Code (includes retaining walls more than 2 feet in height)
(See Section 10-6-18 of the Land Development Code for specific standards.)

☐ Preliminary Plat of Subdivision

☐ Final Plat of Subdivision or Amendment to Plat of Subdivision

(See Sections 10-5-2 and 10-5-9 of the Land Development Code for specific standards.)

☐ Site Plan Approval/Major Adjustment/Amendment

(See Section 20-103 of the Lake Zurich Zoning Code for specific standards.)

☐ Exterior Appearance Approval or Amendment

(See Section 21-103 of the Lake Zurich Zoning Code for specific standards.)

APPLICATION TO ANNEX CERTAIN TERRITORY

All land annexed to the Village is classified automatically after such annexation in the R-1\2 Single Family Residential District. The owner must file an application for a Zoning Map amendment if he or she desires a different zoning classification for the Subject Property.

☐ Petition to Annex Certain Territory (Please complete attached petition)

☐ Application to Annex Certain Territory

COMPREHENSIVE PLAN APPLICATION

☐ Comprehensive Plan **Map** Amendment for _____

☐ Comprehensive Plan **Text** Amendment for _____

Dear Zoning Commission,

My wife and I live at 27 S Shore Ln in Lake Zurich and we wish to have a brick paver patio installed in our backyard. We recently had our initial application for a permit denied because the proposed patio falls within 20 feet of our rear lot line. We currently have an elevated deck in the back of our house which acts as the primary entrance point to our home and do not wish to remove the deck to install this patio as it would drastically change the rear entry to our home. Our rear neighbors' back door is approximately 35 feet from our back door and about 10 feet from the rear lot line. There are also two more mobile homes within 10 feet of our rear lot line with windows and doors in direct line of sight to our back door and our elevated deck (see photos on the next page).

Our first step to improve privacy in our backyard was planting seventeen arbor vitae trees along our rear fence line. The fence provides some privacy while in the yard, but again, with our elevated deck and the elevated windows in the mobile homes to our rear still allow our neighbors direct line of sight to our deck. These trees are young and will eventually provide more privacy, both visual and auditory, for both us and our neighbors. We believe that the best way to fully enjoy the backyard of our home is to install a brick paver patio at the ground level where the trees and the fence provide complete visual privacy from our nearby neighbors in the rear of our home.

Our primary challenge in meeting the minimum of 20 feet between our rear lot line and the patio is the depth of our backyard, the distance from our deck to the rear lot line. Currently, from the back of our deck to our rear lot line is approximately 20-25 feet. This leaves us essentially no room to install the patio in our backyard without encroaching on the 20-foot requirement. Our property does consist of a double lot, the lot that our home sits on and an empty lot to the north of our home. We do not wish to install the patio on this property because we wish to leave an option open for ourselves if in the future if we decide to subdivide this lot for a future home. This leaves us with two options, either we do not install a patio in our backyard with lack of privacy and we cannot fully enjoy our backyard or we seek a variance in the zoning code to accommodate the proposed patio.

I understand that the zoning code is in place to protect neighbors from undue burden caused by installing things like patios, and as such, I have spoken with the property manager of the South Shore Village Community, our neighbors to the rear of our property, and they have agreed that the patio as drawn does not cause undue burden to their tenants and they have consented to letting us encroach within the 20-foot minimum. The letter of consent is included in this application for zoning variance.

Thank you for your consideration on this matter and I hope that this variance will be granted so that our family can fully enjoy our backyard with as much privacy as possible from our rear neighbors.

Sincerely,
Nate and Lauren Gustin
27 S Shore Lane Lake Zurich, IL



The neighbors directly to the rear of our property, approximately 35 feet from our back door. Seen here drying their laundry.



The neighbors directly to the rear of our open lot with their door directly facing the elevated deck space.



The neighbors directly to the rear of our garage with boarded windows in direct line of sight from our elevated deck space.



The depth of our backyard is approximately 25 feet from the edge of the elevated deck.



The deck acts as a rear entrance to our home.



The fence and the privacy trees that we have planted provide privacy at the ground level but they do not provide privacy on the elevated deck space.

Date: 5/5/21

I, David Maurer, property owner/manager of South Shore Village in Lake Zurich, IL consent to allowing Nate and Lauren Gustin of 27 S Shore Ln, Lake Zurich, IL to construct the patio/terrace that is sketched and attached on the following page. I acknowledge that this patio will encroach within the 20 feet of the rear property line and have no objection to this construction or usage as it is sketched on the following page.

Sincerely,

David Maurer (print name)David Maurer (signature)

WARRANTY DEED
ILLINOIS STATUTORY
INDIVIDUAL

FIRST AMERICAN TITLE
FILE # 2951292

Preparer File: 2951292
FATIC No.: 2951292

THE GRANTOR(S) Richard E. Butt, a married person, of the Village of Island Lake, County of McHenry, State of IL for and in consideration of Ten and 00/100 Dollars, and other good and valuable consideration in hand paid, CONVEY(S) and WARRANT(S) to:

NATHAN: Gustin and Lauren^A Gustin, husband and wife, of 55 South Vail Ave. Apt 813 Arlington Heights, IL 60005 of the County of Cook, not as Joint Tenants or Tenants in Common but as Tenants by the Entirety, all interest in the following described Real Estate situated in the County of LAKE in the State of IL, to wit:

LOTS 16 AND 17, AND AN UNDIVIDED 4/63RDS INTEREST IN LOT C, IN FROELICH'S SOUTH SHORE SUBDIVISION OF PART OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 19, AND THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 20, TOWNSHIP 43 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED NOVEMBER 14, 1929 AS DOCUMENT 346314, IN BOOK "V" OF PLATS, PAGE 7, IN LAKE COUNTY, ILLINOIS.


- This is not homestead property.
- SUBJECT TO:

Hereby releasing and waiving all rights under and by virtue of the Homestead Exemption Laws of the State of Illinois.

Permanent Real Estate Index Number(s): 14-19-201-029 14-19-201-028

Address(es) of Real Estate: 27 South Shore Lane
Lake Zurich, IL 60047

Dated this 10th day of April, 2019.


Richard E. Butt



First American
Title Insurance Company

Warranty Deed - Individual



Community Development Department
 505 Telser Road
 Lake Zurich, IL 60047
 P: (847) 540-1696 F: (847) 726-2182
 www.LakeZurich.org
 Permits@LakeZurich.org

Permit Application

Date of Application

4-27-2021

Project Information

Property Address: 27 South Shore Lane
 Type of Project: Brick patio Business Name: —
 Owner's Name/Address: Lauren Gustin (For commercial/industrial applications only)
 (If different from above)
 Owner's Phone: 1-630-605-3626
 Value of proposed construction/improvements: \$ 10,805⁰⁰ Owner's Email: —

Description of Work

Install Brick Unilock Patio.

Contractor Information

Contractors are required to be registered with the Village of Lake Zurich. Please refer to the Contractor Registration Application.

General Contractor: Carlos Nicoli Phone: 847-417-8505
 Address: 952 N. Hainesville Rd. E-mail: jennschliereadsbcglobal.net
 Other Contractor: — Type: — Phone: —
 Address: — E-mail: —
 Other Contractor: — Type: — Phone: —
 Address: — E-mail: —

I hereby certify that I am the owner of record of the named property, or that the proposed work is authorized by the owner of record and that I have been authorized by the owner to make this application as his/her authorized agent and I agree to conform to all applicable laws of this jurisdiction. In addition, if a permit for work described in this application is issued, I certify that the code official's authorized representative shall have the authority to enter areas covered by such permit at any reasonable hour to enforce the provisions of the code(s) applicable to such permit.

Printed Applicant Name: — Phone: —
 Applicant Signature: — Owner or Contractor
 Property Owner Signature: — (Please Select One)

Application must be signed by the property owner. A signed letter of authorization/contract from the property owner must be submitted with the application in lieu of signature on application.

Director of Building and Zoning Department

Date



COMMUNITY DEVELOPMENT DEPARTMENT
Building and Zoning Division

505 Telser Road
Lake Zurich, Illinois 60047

(847) 540-1696
Fax (847) 726-2182
LakeZurich.org

At the Heart of Community

**Zoning Department
Plan Review**

Date: April 29, 2021

Address: 27 S SHORE LN
LAKE ZURICH, IL 60047

Project: Patio

Review by: Tim Verbeke
Planner

Ref Codes: 2012 International Building Code, Village of Lake Zurich Amendments, Zoning Code

A zoning review of the above noted project has been completed. The plans are NOT APPROVED due to the following conditions/comments:

- 1.) On the Plat of Survey show all existing structures with the proposed location of the patio and the setbacks (all sides).
- 2.) Patios cannot be placed within 20 feet of any front, corner side, or rear lot line, and not within 5 feet of any interior side lot line.

CARLOS NICOLI
C&C
952 N. HAINESVILLE RD.
ROUND LAKE IL 60073
847-270-9148
847-417-8505

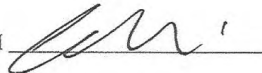
4-27-2021

SCOPE OF WORK
LAUREN GUSTIN
27 SOUTHSORE LANE
LAKE ZURICH IL
1-630-605-9626

SCOPE OF WORK:
INSTALL PATIO (SEE PLAT DRAWING)
UNILOCK BRICK PAVERS
BRUSSELS
APPROX. 564SF
SUPPLY GRAVEL (MINIMUM 6"-12" BASE)
SUPPLY SAND (1 - 1 ½ BEDDING)
INSTALL BASE IN 4" LIFTS
SUPPLY AND INSTALL EDGING
ALL AREAS TO BE COMPACTED
INSTALL PVC

CONTRACTED PRICE \$10,865.00

CARLOS NICOLI



Thank You for Your Payment - Illinois: Village of Lake Zurich
5/27/2020 1:54 PM Central Standard Time
Customer Name JENNIFER SCHLIEVE
Effective Date
5/27/2020
Approved 20012425

Contractor Registration	\$110.00
Subtotal:	\$110.00
Transaction Fee: Checking ***** 9484	\$0.50
Total Charged to:	\$110.50
Checking ***** 9484	
Total Amount Paid:	\$110.50
Collection Mode: Web	

Payment Details

Contractor Registration
Name of Contact Person: JENNIFER SCHLIEVE - Cell or Day Time Phone Number: 8472709148 - Contact Email: jennschlieve@sbcglobal.net -
Company Name: C&C Snowplowing and Brickpaving - JENNIFER SCHLIEVE - \$110.00

A Transaction Fee has been included in the total amount paid for this transaction.



At the Heart of Community

COMMUNITY DEVELOPMENT DEPARTMENT
Building and Zoning Division

505 Telser Road
Lake Zurich, Illinois 60047

(847) 540-1696
Fax (847) 726-2182
LakeZurich.org

To: Tim Verbeke, Planner
From: Jodi McCarthy, Senior Project Manager: Manhard
Date: June 24, 2021
Re: 27 South Shore – Variation

With the info available on the Lake County GIS and the provided plat, I would not object. It is not in a floodplain or near a wetland. There does not appear to be any defined swale in their rear yard that would be filled as part of the work, and we would caveat any review with requiring that they maintain existing drainage patterns.

They may not construct on any existing easements or utilities that may not be included on the plat.



Village of Lake Zurich
Utilities Division of
Public Works

Memo

To: Tim Verbeke, Planner
From: Betty Harrison, EQC Supervisor
Date: July 9, 2021
Re: July Commission Meeting

1. 27 S Shore Patio Variation

- No concerns from Public Works



At the Heart of Community

COMMUNITY DEVELOPMENT DEPARTMENT
Building and Zoning Division

505 Telser Road
Lake Zurich, Illinois 60047

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Zoning status and review of deck

The property is located in one of the older residential subdivisions that was platted in 1929. Parcels on the lot were approx. 6800 sq. ft.

35 South Shore lane was granted a variation for a patio in October 2009 (Ordinance 2009-10-662)

House is approx. 38.5 from rear lot line
Deck is approx. 10 feet deep

Remaining back yard – 28.5 feet between deck and rear lot line
Amount of rear yard by code remaining for a patio is $28.5 - 20 = 8.5$ feet – (not enough)

Proposed
Deck is $21+3 = 24$ feet wide at max
(3-foot return – to allow space between deck and patio Net usable is 21 feet)
Amount of encroachment is $24 - 8.5 = 15.5$ feet

Rear yard remaining is $28.5 - 24 = 4.5$ feet (Garage is approx. 5 to 5.1 feet from rear lot line).

9-3-11: BULK, SPACE, AND YARD REQUIREMENTS:

E. Exceptions And Explanatory Notes:

3. Lot Areas In R-5 District: Many lots in the R-5 district were platted and developed at times when applicable regulations permitted lot areas smaller than 10,000 square feet. Subsections B1a, C1a, and C2a of this section establish such lots as permitted in the R-5 district. The regulations of subsections B1a, C1a, and C2a of this section shall not be interpreted, construed, or applied in any way to authorize the creation of any lot, whether by subdivision or any other means, the area of which is less than 10,000 square feet; provided, however that the minimum lot area shall be 5,400 square feet for lots that, as of January 1, 2006, abut South Shore Lane and are classified in the R-5 district. No alteration or addition of any kind shall be allowed to encroach into any established required front, corner side, or side yard/setback lines.

6. Specified Structures And Uses In Required Yards: The following structures and uses, except as limited below, may be located in any required yard:

h. Terraces, but not within 20 feet of any front, corner side, or rear lot line, and not within 5 feet of any interior side lot line; and