

Planning & Zoning Commission
70 East Main Street



Wednesday, November 20, 2024, 7:00 p.m.

AGENDA

1. CALL TO ORDER AND ROLL CALL: Chairperson Orlando Stratman, Vice-Chair Antonio Castillo, Joe Giannini, Sean Glowacz, Vladimir Kovacevic, Scott Morrison, Mike Muir and Ildiko Schultz.
2. CONSIDERATION OF MINUTES AND FINDINGS OF THE COMMISSION
 - A. Minutes of the Planning and Zoning Commission Meeting, on [October 16, 2024](#). Motion to approve the minutes.
3. PUBLIC MEETING
(This agenda item includes items that do not require public testimony)
No items received for consideration.
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. 36 Park Avenue – Variation (2024-15)
Application for a variation to allow for the construction of an attached garage within the side yard setback and for the construction of a front porch within the front yard setback within the R-5 single-family residential district.
Applicant and Owner: Richard Balnius
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 Commission. Public Comment is limited to 30 minutes total and up to 5 minutes per speaker.

8. ADJOURNMENT

The Village of Lake Zurich is subject to the requirements of the Americans with Disabilities Act of 1990. Individuals with disabilities who plan to attend this meeting and who require certain accommodations so that they can observe or participate in this meeting, or who have questions regarding the accessibility of the meeting or the Village's facilities, should contact the Village's ADA coordinator at (847) 438-5141 (TDB #438-2349) promptly to allow the Village to make reasonable accommodation.

VILLAGE OF LAKE ZURICH
Planning & Zoning Commission
70 East Main Street



Wednesday, October 16, 2024, 7:00 p.m.

1. **CALL TO ORDER** at 7.00pm by Chairperson Orlando Stratman
A. Mayor Poynton swore in Mr. Vladimir Kovacevic to the Planning and Zoning Commission.

ROLL CALL: Chairperson Orlando Stratman, Commissioners Antonio Castillo, Joe Giannini, Sean Glowacz, Vladimir Kovacevic, Scott Morrison, Mike Muir, and Ildiko Schultz.

Also present: Community Development Director Sarosh Saher, Village Planner Colleen McCauley.

2. **CONSIDERATION OF MINUTES AND FINDINGS OF THE COMMISSION**

- Minutes of the Planning and Zoning Commission Meetings, on August 21, 2024.
Motion to approve the minutes was made by Commissioner Schultz, seconded by Commissioner Morrison.
AYES: 7 Commissioners Castillo, Giannini, Glowacz, Kovacevic, Morrison, Schultz, Chairperson Stratman.
NAYS: 0
ABSTAIN: 1 Commissioner Muir.
ABSENT: 0
MOTION CARRIED.

3. **PUBLIC MEETING**

No items received for consideration.

4. **PUBLIC HEARING**

Motion was made by Commissioner Schultz, seconded by Commissioner Muir to open the public hearing for the following application:

Application PZC 2024-14 for a Planned Unit Development (PUD) Amendment for Meadow Wood East

AYES: 8 Commissioners Castillo, Giannini, Glowacz, Kovacevic, Morrison, Muir, Schultz, Chairperson Stratman.

NAYS: 0

ABSENT: 0

MOTION CARRIED.

Public Hearing started at 7.10pm

Chairperson Stratman gave the Oath to those who were going to give testimony.

A. Meadow Wood East Subdivision – Planned Unit Development (PUD) Amendment (2024-14):

Application for an amendment to the Planned Unit Development (PUD) to re-zone the property within the R-5 single-family residential district and to re-subdivide the property from nine (9) to fifteen (15) single-family lots.

Applicant and Owner: Mr. Mike Naumowicz

Dir. Saher confirmed that proper notice was provided of this item and then he introduced Mr. Mike Naumowicz and Mr. Kirk Rustman, the Consultant. Mr. Rustman gave a presentation of the proposed development, which included images of what the proposed subdivision may look like in the future.

PUBLIC TESTIMONY.

Residents Al Silcroft, Mike Hornacek, Damian Woszczak, and Paul Pelczynski expressed the following concerns:

Flooding due to the grade change from the proposed development to the existing neighborhood, privacy not being protected by a 5-foot fence, the timeline of the construction for the project, school capacity, tree protection due to the tree study being completed 20 years ago, construction traffic and noise, wetland maintenance

Motion to close the public hearing on Application PZC 2024-14 and move to deliberation was made by Commissioner Schultz, seconded by Commissioner Muir.

AYES: 7 Commissioners Castillo, Giannini, Glowacz, Morrison, Muir, Schultz, Chairperson Stratman.

NAYS: 0

ABSENT: 0

MOTION CARRIED.

On Application PZC 2024-14: A Motion was made by Commissioner Schultz, seconded by Commissioner Glowacz, to receive into the public record the staff review of compliance of this Application with the zoning standards as presented by staff; and to receive the testimony presented by the Applicant, by the PZC Members, and by Village Staff at tonight's Public Hearing; and make these standards and testimony a part of the official record for the Application and Findings of the PZC; and to recommend that the Village Board approve the application for an amendment to the Planned Unit Development (PUD) to re-zone the property within the R-5 single-family residential district and to re-subdivide the property from nine (9) to fifteen (15) single-family lots.

AYES: 7 Commissioners Castillo, Giannini, Glowacz, Morrison, Muir, Schultz, Chairperson Stratman.

NAYS: 0

ABSENT: 0

MOTION CARRIED.

5. OTHER BUSINESS

There was none.

6. STAFF REPORTS

Colleen reported that there may be one application for the November meeting. Dir. Saher informed the Commission that the draft of the Comprehensive Plan may be ready within the next month. A community meeting will be scheduled to receive feedback on the plan.

7. PUBLIC COMMENT

There were none.

8. ADJOURNMENT

Motion to adjourn the meeting made by Commissioner Schultz, seconded by Commissioner Morrison

AYES: 7 Commissioners Castillo, Giannini, Glowacz, Morrison, Muir, Schultz, Chairperson Stratman.

NAYS: 0

ABSENT:0

MOTION CARRIED.

Meeting adjourned at 8.57pm

Respectfully submitted:

Colleen McCauley, Village Planner

Approved by:

Chairperson Orlando Stratman.

Date



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 2024-15

PZC Meeting Date: November 20, 2024

AGENDA ITEM 4.A

STAFF REPORT

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

From: Sarosh Saher, Community Development Director

CC: Colleen McCauley, Village Planner
Mary Meyer, Building Services Supervisor

Date: November 20, 2024

Re: PZC 2024-15 – Zoning Variation for a Porch and Garage
36 Park Avenue

SUBJECT

Mr. Richard Balnius (the “Applicant” and “Owner”) requests a Variation from Zoning Code Section 9-3-11-6, “Specified Structures and Uses in Required Yards” pursuant to section 9-3-11-C-1 and section 9-3-11-C-2, Residential Minimum Yards: Front and Side Yard, to allow for the construction of a covered porch that will encroach into the required 25-foot front yard setback and an attached garage that will encroach into the required 5.25-foot side yard setback (for non-conforming properties) at the property commonly known as 36 Park Avenue, legally described in Exhibit A attached hereto (the “Subject Property”). The property is located in the Main Street Area and is within the Downtown Redevelopment Overlay District.

GENERAL INFORMATION

Requested Action:	<u>Variation of Front Yard Setback for Porch</u> <u>Variation of Side Yard Setback for Garage</u>
Current Zoning:	<u>R-5 Single-Family Residential District</u> <u>DR Downtown Redevelopment Overlay District</u>
Current Use	<u>Single Family Home</u>
Property Location:	<u>36 Park Avenue</u>
Applicant and Owner:	<u>Mr. Richard Balnius</u>

Staff Coordinator: Colleen McCauley, Village Planner

LIST OF EXHIBITS

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

BACKGROUND

Mr. Richard Balnius (the “Applicant” and “Owner”) is the recent owner of the property located at 36 Park Avenue, and legally described in Exhibit A attached hereto (the “Subject Property”). The Applicant filed an application with the Village of Lake Zurich received on October 4, 2024 (the “Application”) seeking:

- A Variation from Code Section 9-3-11-6, “Specified Structures and Uses in Required Yards” pursuant to Section 9-3-11-C-1 and Section 9-3-11-C-2, Residential Minimum Yards: Front and Side Yard

The Subject Property is comprised of a non-conforming zoning lot in the R-5 single-family zoning district that is granted certain exceptions from the front and side yard requirements of such zoning district. Specifically, for lots less than 10,000 square feet developed prior to 1991, the zoning code provides for a front yard setback of 25 feet (Section 9-3-11.C.1.a), and a side yard setback of 5.25 feet (Section 9-11-5.B. Note 1). These lots are otherwise required to conform to all other requirements of the zoning district in which they are located, including without limitation, floor area ratio, lot coverage including minimum landscaped surface area.

The Subject Property has a lot area of 8,712 square feet with an approximately 1,700 square-foot residential structure on it. It does not currently have a garage or a front porch.

As it relates to the front yard of the Subject Property, porches may be located no less than 25 feet from any front lot line. In the case of the Subject Property, the porch is proposed to be constructed 18 feet from the front lot line which will encroach into the front yard setback by 7 feet and run along the entire length of the front of the home.

The Subject Property currently has steps leading to the front door which extend 8 feet into the front yard setback. The existing front steps will be removed and replaced with the new porch containing side loaded steps.

As it relates to the front yard of the Subject Property, garages may be located no less than 5.25 feet from any interior side lot line. In the case of the Subject Property, the garage is proposed to be constructed 1 foot from the side lot line which will encroach into the side yard setback by 4.25 feet.

The Subject Property currently has a legal nonconforming gravel driveway in the side yard that is 20 feet in width, which extends up to and runs along the west side property line. The proposed garage will be constructed 1 foot from the side lot line, with plans for a newly paved driveway to maintain this same setback.

The Applicant will obtain the clearance from all utility companies to install the porch in the front yard and the garage in the side yard prior to construction. There are no Village utility easement requirements or grade concerns that would prevent the construction in either the front or side yard. The Applicant has obtained the consent of the owners of three adjacent properties for the construction of the porch and garage, including the neighboring property owner to the west.

Pursuant to public notice published on October 28, 2024, in the Daily Herald, a public hearing has been scheduled with the Lake Zurich Planning & Zoning Commission for November 20, 2024, to consider the Application. On October 28, 2024, 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 the Lake Zurich Main Street Area. Available records indicate that the building on the property was constructed prior to 1939. The Subject Property is zoned within the R-5 Single Family Residential District, and is included within the DR Downtown Redevelopment Overlay district.
- C. Surrounding Land Use and Zoning.** The Subject Property is located within the traditional Main Street Area of Lake Zurich. The properties to the north of the Subject Property are zoned within the B-2 Central Business district and are improved with a mix of locally owned retail and service businesses. The two properties to the west are zoned within the R-5 Single Family district and contain the parking lot for the Vault 232 restaurant. The lots to the east and south are similarly zoned within the R-5 Single Family district and contain single family homes that were constructed around the same time as the Subject Property.
- D. Trend of Development.** According to records, the residence at 36 Park Avenue was constructed sometime before 1939. It is a single-story home and is similar to the other homes along Park Avenue that appear to have been constructed around the same time. The Main Street Area is developed with a mix of vintage and more recent buildings containing smaller locally-owned businesses on the first floor with some residential uses on upper

floors. A number of properties containing older buildings that had outlived their utility have been redeveloped with newer mixed-use buildings.

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-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.

F. Nonconforming lots. The zoning code recognizes lots constructed prior to 1991 that do not conform to the strict application of the current zoning codes, and regulates the continued existence of such lots through certain exceptions related to lot area, lot width and setbacks.

G. Garages: As it pertains to the location of required parking spaces in residential districts, the zoning code requires that at least 2 parking spaces on a property be located within an enclosed garage.

GENERAL FINDINGS

Staff of the Community Development Department's development review team has evaluated the development against the various standards and provisions of the Lake Zurich Municipal Code and offers findings on the following specific sections of the Code.

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 porch and garage in compliance with the provisions of the current zoning code. The proposed covered porch and attached garage would be restricted in size due to the required 25-foot front yard and 5.25-foot side yard setback.

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 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. The zoning lot was platted prior to 1991 within a land area of 8,712 square feet which is less than the current requirement of 10,000 square feet. The current residence on the lot was constructed prior to 1939 and was built without an accompanying garage.

Porch - The Subject Property has an existing stair structure that extends 8 feet into the front yard setback. The proposed covered porch requires a variation to encroach into the front yard setback and build within this line.

Garage - The Subject Property has an existing non-conforming driveway that runs along the west property line. The 20-foot by 24-foot garage is proposed to be located 1 foot back from this side lot line. The garage would need to be constructed within the side yard setback to align with the existing driveway.

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 current property owner, rather a result of a previous owner who extended the driveway to the property line.

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.

Porch- Staff Response: Standard met. The owner is requesting a covered porch to extend 7 feet into the front yard setback. Several homes along Park avenue have covered porches that extend into the required front yard setback. Denying the porch to be built would deny the property owner the opportunity to enjoy an architectural feature that is offered to other residents in the neighborhood.

Garage- Staff Response: Standard met. The owner is requesting an attached two-car garage to align with the existing driveway. This being one of the oldest neighborhoods in the Village, the homes were constructed without attached garages. Denying the garage to be built would deny the property owner a common feature that is provided to other residents who live in newer homes within the community. Additionally, the addition of a two-car garage on the property will bring the property closer into conformance with the zoning code requirements for off-street parking.

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 allow the current owner to enjoy a covered outdoor space and an enclosed place to park, both of which are 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, the covered porch, the attached garage, 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. If the Applicant is granted the requested variation, it will not create a negative effect on public welfare, enjoyment, development, or value of property.

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 covered porch that encroaches 7 feet into the front yard setback and an attached garage that encroaches 4.25 feet into the required side yard setback. Both the porch and garage are proposed to be built to modern standards of the building code.

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 porch and garage will conform to current building codes and therefore would not impede the drainage flow on the property or increase any risk of fire.

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

Staff Response: Standard met. Granting of the variation would 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 or safety. The proposed garage will reduce the side yard setback to 1 foot towards the neighbor at 35 West Main Street and will not affect the health or safety of users on the street or adjacent property owners. The property adjacent to the proposed garage is the parking lot for the restaurant, Vault 232. This property line is screened with a 6-foot-tall wood fence and evergreen coniferous trees that stand even taller.

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.

Porch- Staff Response: Standard partially met. The covered porch is only being constructed to give the structure the desired utility in the front yard.

An uncovered porch could be constructed that extends 8 feet from the home, within the same footprint of the existing stairs.

However, this would diminish the amount of usable space, as a covered porch would be able to be enjoyed during all kinds of weather. A covered porch would provide shelter from rain and shade from the sun.

Additionally, properties along Park Avenue have covered porches that extend into the front yard by a similar distance so the proposed porch will blend into the existing building line and will not negatively stand out.

Garage- Staff Response: Standard partially met. The garage is only being constructed to give the building the desired utility and to align with the existing driveway.

An attached garage could be constructed in way that maintains the required 5.25-foot side yard setback but this would greatly diminish the size of the garage and the driveway would need to be modified. A two-car garage could be constructed in the rear portion of the lot, but this would require the Applicant to significantly extend the driveway, thereby increasing the impervious surface on the lot.

The existing driveway on the property is non-conforming, as it runs along the property line and does not maintain the required 3-foot setback. If the variation is granted, the Applicant plans on reducing the driveway by 1 foot to align with the new garage.

Additionally, screening along the west property line already exists in the form of a 6-foot solid wood fence and tall evergreen coniferous trees.

Further, the owners of the adjacent properties have not objected to the construction of the attached garage as proposed and have all submitted their signed support.

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

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 (reduction in bulk) 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 2024-12, 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 dated October 04, 2024, prepared by the Applicant Richard Balnius, homeowner of 36 Park Avenue; and Cover Letter.
 - b. Exhibit A: Legal Description of the Subject Property.
 - c. Plat of Survey provided by Richard Balnius.
 - d. Letters of Consent from neighbors submitted October 04, 2024.
2. As further mitigation for construction of the porch and garage, the applicant shall agree not to further reduce the setback of the porch within the front yard or the garage within the side yard. There shall be no increase to the depth of either structure beyond what is being proposed.
3. The Applicant shall submit elevation plans for both the porch and garage prior to the Village Board meeting.
4. The Applicant shall install a paved driveway located no less than 1 foot from the west property line to align with the newly constructed garage.
5. The development shall be in compliance with all other applicable codes and ordinances of the Village of Lake Zurich.

Respectfully submitted,

Colleen McCauley, Village Planner

LAKE ZURICH PLANNING & ZONING COMMISSION
FINAL FINDINGS & RECOMMENDATIONS

36 PARK AVENUE
NOVEMBER 20, 2024

The Planning & Zoning Commission recommends approval of Application **PZC 2024-15**, and the Planning & Zoning Commission adopts the findings as contained within the Staff Report dated **November 20, 2024** 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 dated October 04, 2024, prepared by the Applicant Richard Balnius, homeowner of 36 Park Avenue; and Cover Letter.
 - b. Exhibit A: Legal Description of the Subject Property.
 - c. Plat of Survey provided by Richard Balnius.
2. As further mitigation for construction of the porch and garage, the applicant shall agree not to further reduce the setback of the porch within the front yard or the garage within the side yard. There shall be no increase to the depth of either structure beyond what is being proposed.
3. The Applicant shall submit elevation plans for both the porch and garage prior to the Village Board meeting.
4. The Applicant shall install a paved driveway located no less than 1 foot from the west property line to align with the newly constructed garage.
5. 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

EXHIBIT A
LEGAL DESCRIPTION OF SUBJECT PROPERTY

LOT 4 IN F. H. KUEBKER'S FIRST ADDITION TO PROSPECT PARK, BEING A SUBDIVISION OF PART OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER AND THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 20, TOWNSHIP 43 NORTH, RANGE 10, EAST OF 19, 1907, AS DOCUMENT 114276, IN BOOK "G" OF PLATS, PAGE 89, IN LAKE COUNTY, ILLINOIS.

Common Street Address: 36 Park Avenue
Property Index Number (PIN): 14-20-103-014

EXHIBIT B

PUBLIC HEARING SIGNS PRESENT AT SUBJECT PROPERTY



EXHIBIT C

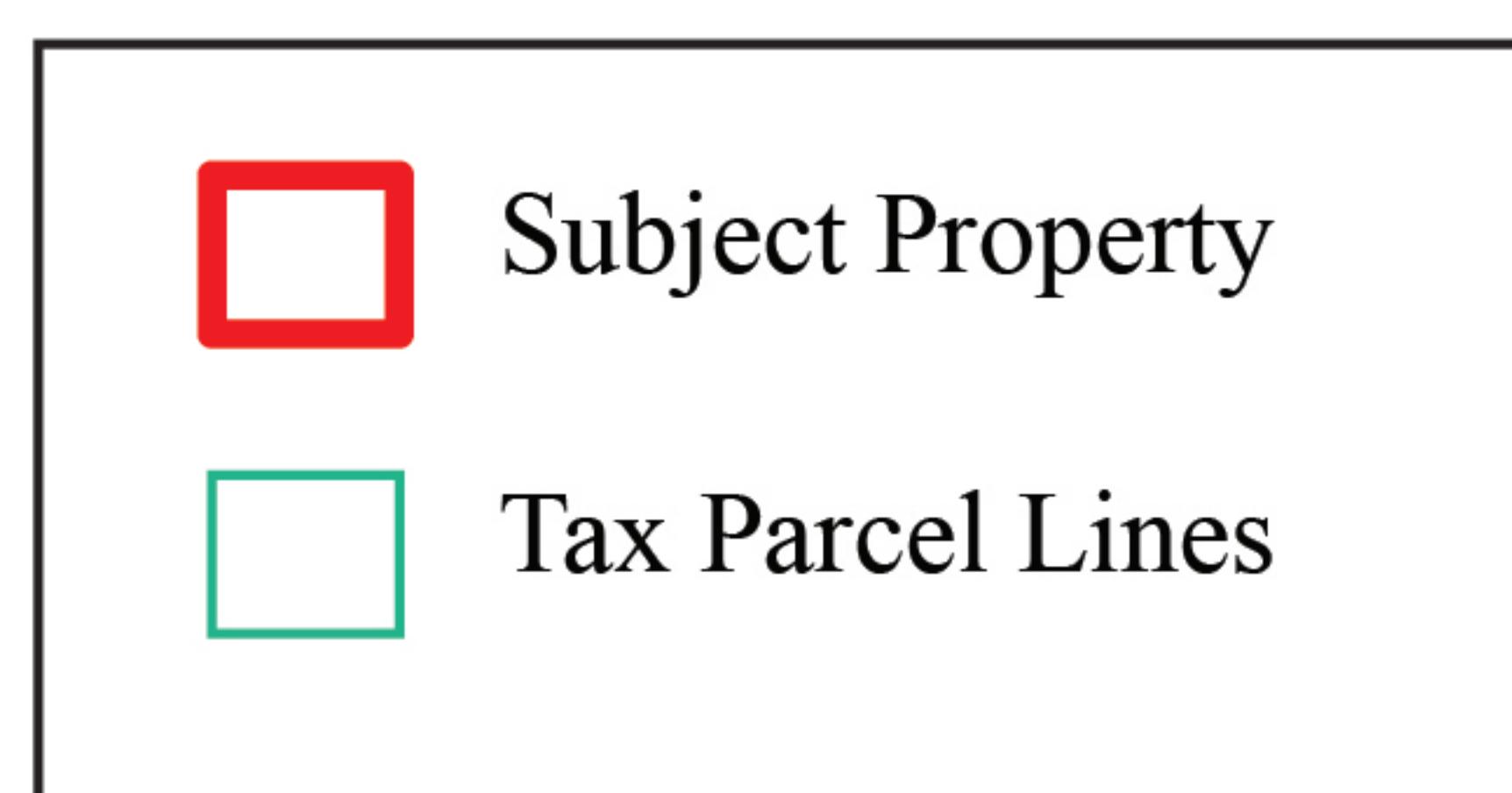
IMAGES OF THE SUBJECT PROPERTY





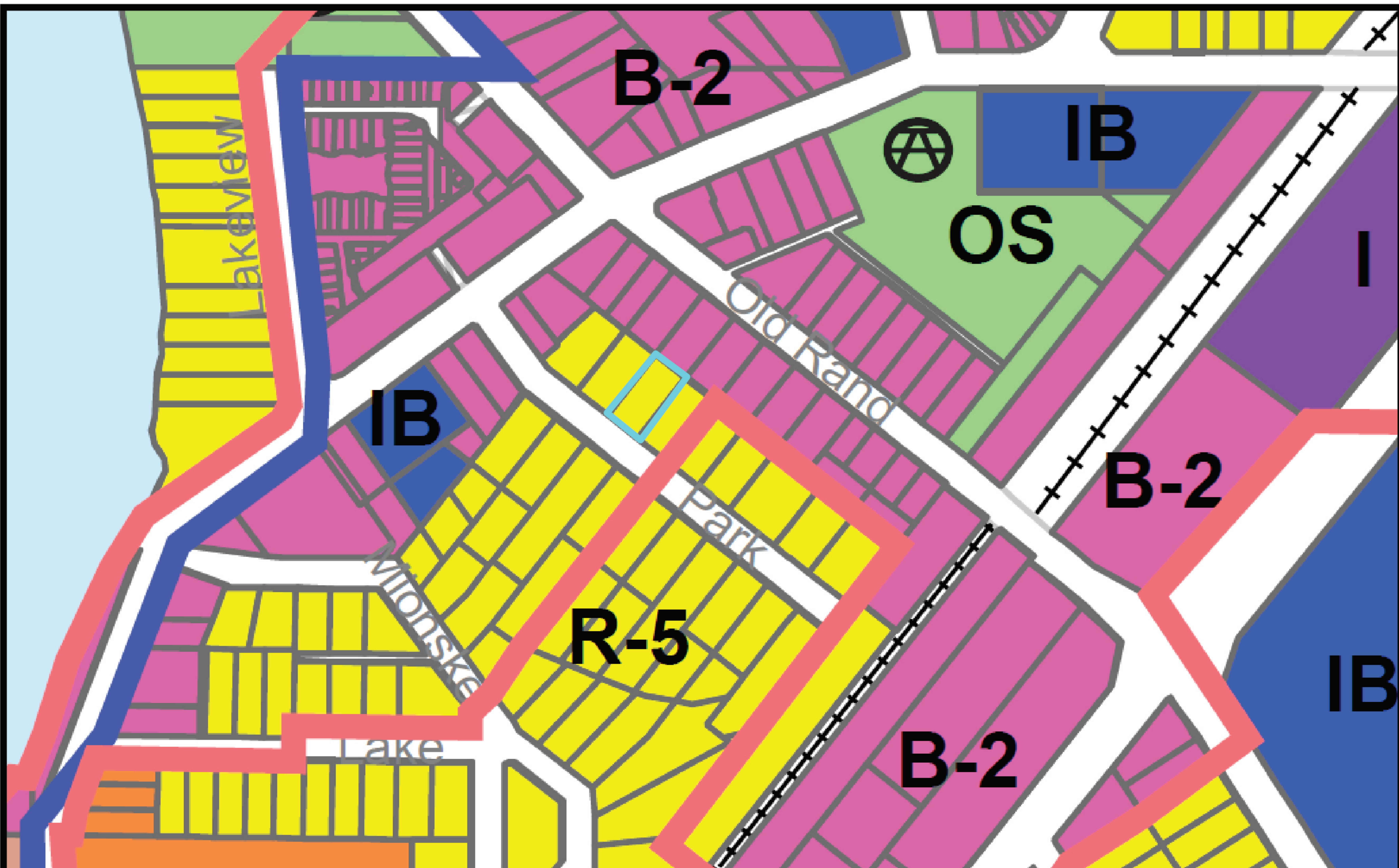


36 Park Avenue Variation

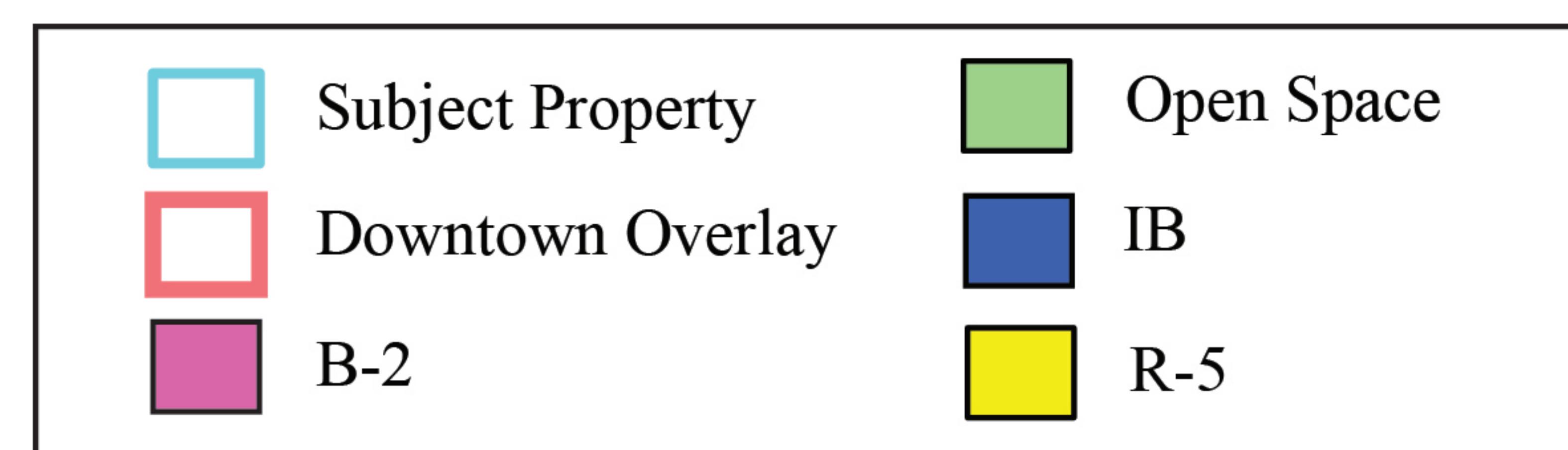




36 Park Avenue Variation

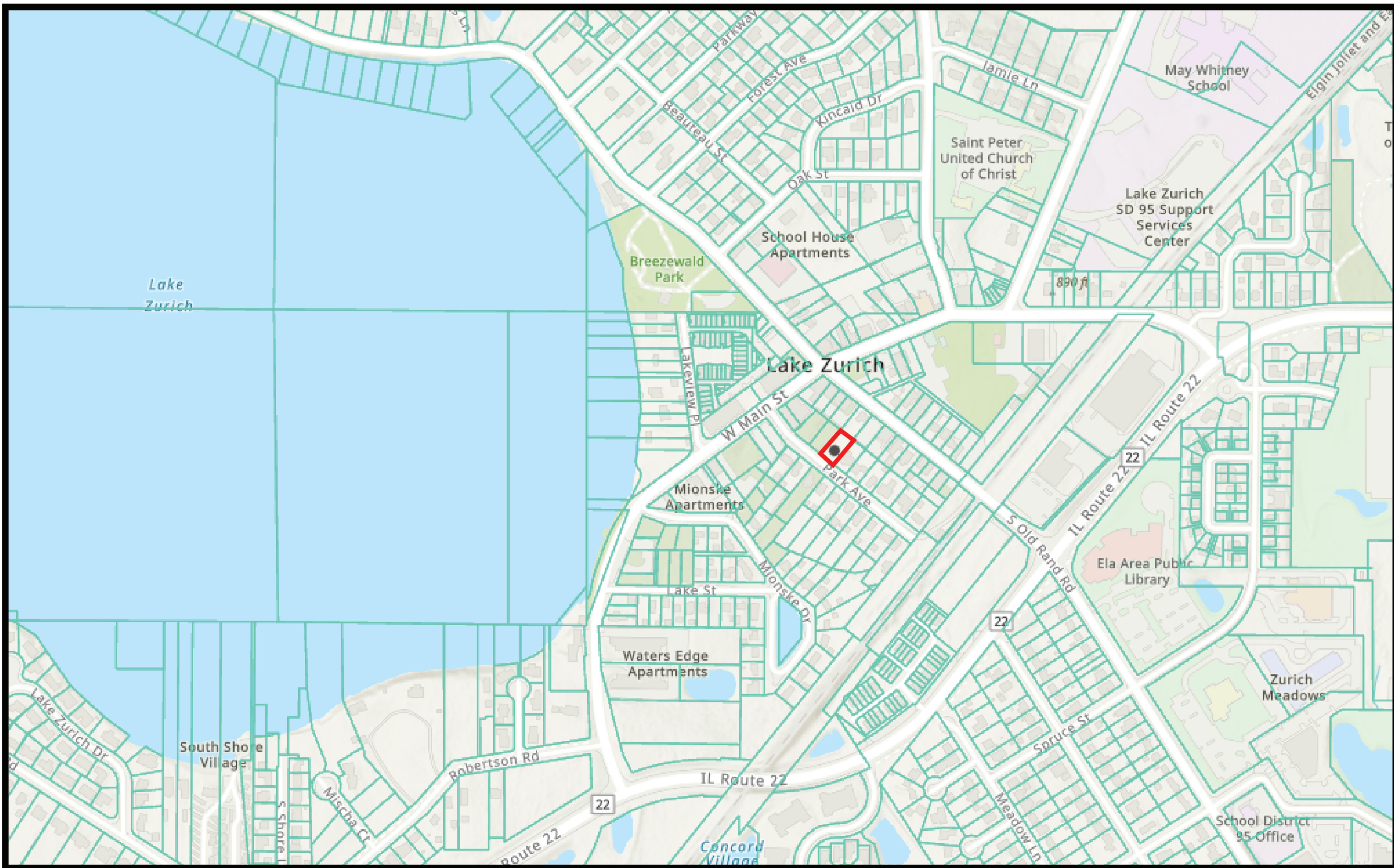


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36 Park Avenue Variation



Subject Property



ZONING APPLICATION

Community Development Department

505 Telser Rd.

Lake Zurich, IL 60047

Phone: (847) 540-1696

Fax: (847) 540-1769

(Please Type or Print)

1. Address of Subject Property: 36 Park Ave Lake Zurich IL 60047

2. Please attach complete legal description

3. Property Identification number(s): 14-20-103-014

4. Owner of record is: Richard Balnus Phone: 708-935-7254

E-Mail RBalnus@gmail.com Address: 79 Miller Rd Hawthorn Woods IL 60047

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: _____

8. The proposed uses on the property are: _____

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:

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.

Richard Balnus

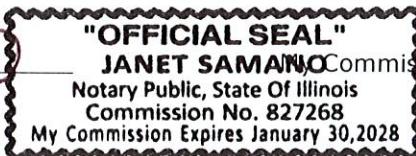
(Name of applicant)

Richard Balnus

(Signature of applicant)

Subscribed and sworn to before me this 4 day of OCTOBER, 2024.

Jane Samano
(Notary Public)



1/30/28

(Name of Owner, if different)

(Signature of Owner, if different)

Subscribed and sworn to before me this _____ day of _____, 2024.

(Notary Public)

My Commission Expires _____

Please indicate what 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 2 Car Attached Garage & covered front porch

(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 _____

Village of Lake Zurich Zoning Application Guide

**IF APPLICABLE
VILLAGE OF LAKE ZURICH**

NOTIFICATION AFFIDAVIT

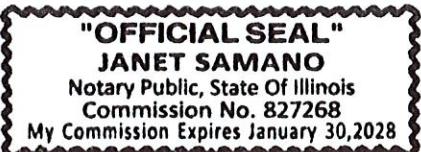
I, Richard Batinus hereby certify as follows:

1. That on the 04 day of, October 2024, affiant caused to be mailed in the Post Office of Lake Zurich, Illinois, copies of the attached Notice of Public Hearing to all listed taxpayers of real estate within 250 feet, excluding all Public Right of Way, of the subject property and to the owners or representatives of property listed as exempt.
2. That the parties to whom said notice was mailed are set forth on Page 15, Item #13 of this application.

Richard Batinus
Signature

Subscribed and sworn to before me this 4 day of October, 2024.

Janet Samano My Commission Expires 1/30/28
(Notary Public)



***Note: This is to be notarized and returned to Staff after notifications are mailed out.**

Richard Balnius

79 Miller road

Hawthorn woods ,Illinois 60047

October 4, 2024

Mr. Orlando Stratman
Chairperson of the
Planning & Zoning Commision

Dear Mr. Orlando Stratman,

Attached please find all necessary documentation required to apply for a variance to add a 2 car attached garage and a covered front porch to the property located at 36 Park Ave Lake Zurich, Illinois 60047.

The property is currently a 4 bedroom 2 bath craftsman style cape cod built in the 1930. The home is approximately 1700 Sq ft on a lot of 8712 sq. Current side lot set back is 5 1/2 feet. The front set back from Park ave is 25 feet from the property line.

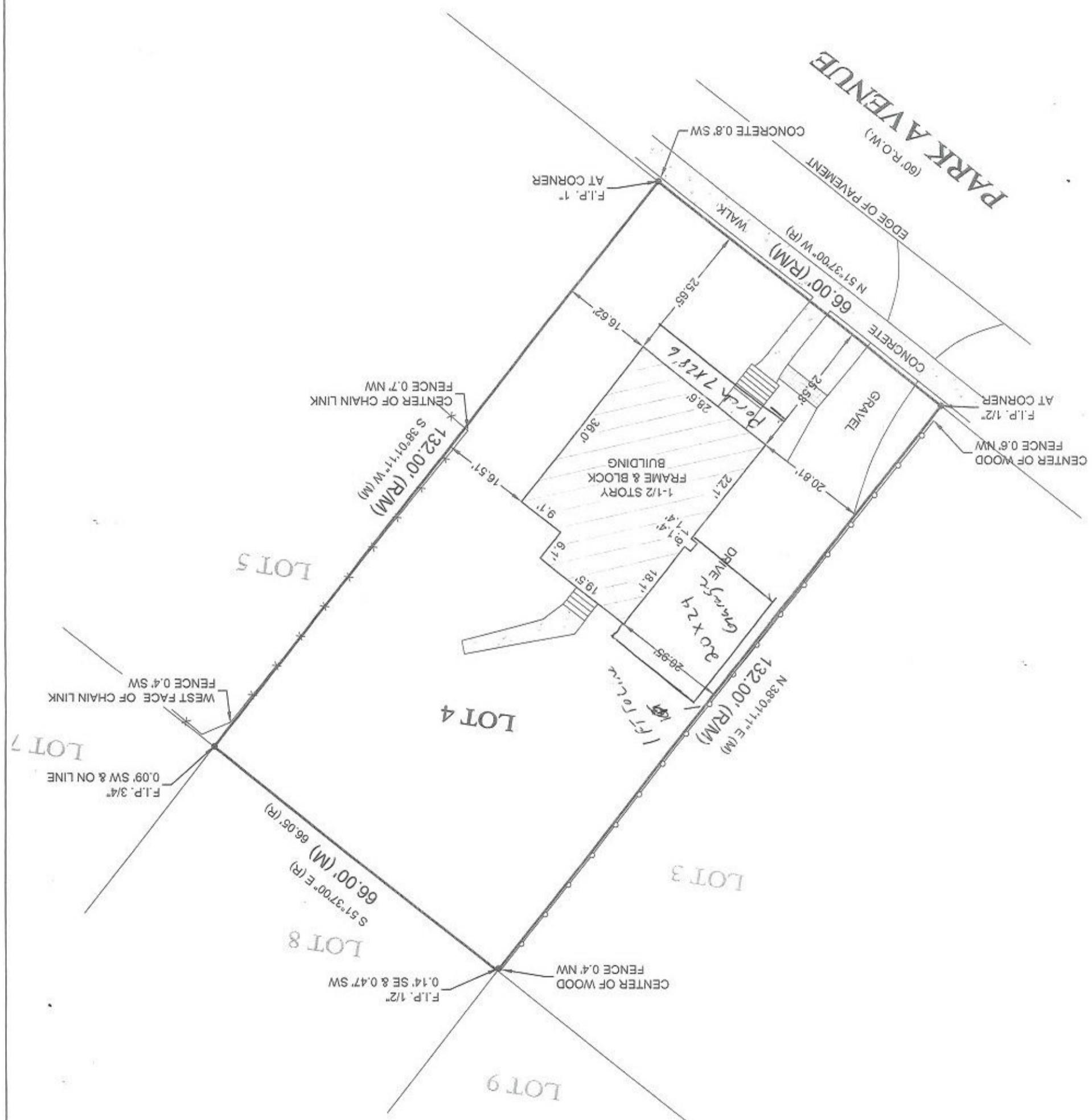
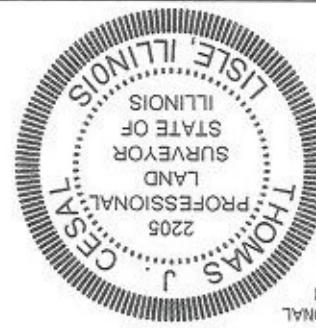
We are requesting a side lot variance to allow for construction of a 20' x 24', 2 car garage attached to the existing home. This would require the set back to be reduced by 4 1/2 feet. We also would like to add a front covered porch with dimensions of 7' x 28'. There is currently stairs and a landing that project from the front approximately 8 feet.

Many homes in the Lake Zurich area have a 2 car attached garage. Many homes in the subdivision have non standard lot sizes and set backs that vary.

My desire to improve my property value, and the unique nature of the neighborhood, I respectfully request a variance of 4 feet 6 inches to complete the project. In addition, I have verbally talked my neighbors, who have voiced their support of this property enhancement and attached a petition signed by them.

Sincerely yours,

Richard Balnius



CONTAINING 8,712 SQ. FT. OR 0.20 ACRES MORE OR LESS.

NORTHEAST QUARTER AND THE NORTHEAST QUARTER OF THE NORTHWEST SECTION 20, TOWNSHIP 43 NORTH, RANGE 10, EAST OF THE 3RD P.M., ACCORDING TO THE PLAT THEREOF, RECORDED OCTOBER 19, 1907, AS DOCUMENT 114276, IN BOOK "G" OF PLATS, PAGE 89, IN LAKE COUNTY, ILLINOIS.

N

PLA1 OF SURVEY

LEGEND	
A = ASSUMED	C = CALLOUTED
NN = NORTHEAST	CC = CHORD
P.0.8. = POINT OF C	CL = CENTERLINE
P.0.C. = POINT OF C	D = DEED
R = RECDRO	E = EAST
RAO = RADUIS	F.I.P. = FOUND IRON PIPE
R.O.W. = RIGHT OF W	F.I.P. = FEET/FOOT
SE = SOUTHEAST	S.I.R. = SET IRON ROD
SW = SOUTHWEST	SE = SOUTHWEST
W = WEST	SW = SOUTHWEST
N = NORTH	
M = MEASRD	
L = ARC LENGTH	
NE = NORTHEAST	
S = SOUTH	
W = WEST	
E = EAST	
F = FEET	
D = DEGREE	
G = GROSS	
H = HORIZONTAL	
I = INTERNAL	
J = EXTERIOR	
K = EXTERIOR	
L = EXTERIOR	
M = EXTERIOR	
N = EXTERIOR	
O = EXTERIOR	
P = EXTERIOR	
Q = EXTERIOR	
R = EXTERIOR	
S = EXTERIOR	
T = EXTERIOR	
U = EXTERIOR	
V = EXTERIOR	
W = EXTERIOR	
X = EXTERIOR	
Y = EXTERIOR	
Z = EXTERIOR	
A = CHAIN LINE	
B = MOD FENCE	
C = METAL FENCE	
D = VINYL FENCE	
E = ESEMNT FENCE	
F = SETBACK LINE	
G = INTERIOR LOT LINE	

**LOT 4 IN F. H. KUEBKER'S FIRST ADDITION TO PROSPECT PARK, BEING
A SUBDIVISION OF PART OF THE NORTHWEST QUARTER OF THE
NORTHEAST QUARTER AND THE NORTHEAST QUARTER OF THE
NORTHWEST QUARTER OF SECTION 20, TOWNSHIP 43 NORTH, RANGE
10, EAST OF 19, 1907, AS DOCUMENT 114276, IN BOOK "G" OF PLATS,
PAGE 89, IN LAKE COUNTY, ILLINOIS.**

WARRANTY DEED

The GRANTOR, Marjorie Meyer,
Widow of Paul Meyer, deceased,
of Lake Zurich IL for and in
consideration of TEN and
no/100 Dollars, (\$10.00) and other
good and valuable consideration
in hand paid, CONVEYS and
WARRANTS to

RMB Properties Inc.

the following described real estate situated in the County of Lake, in the State of Illinois, to wit:
See attached sheet

Permanent index number: 14-20-103-014

Commonly known as: 36 Park Avenue, Lake Zurich IL 60047

Subject to: covenants, conditions and restrictions of record; public and utility easements,
roads and highways; general real estate taxes for the year 2024 and subsequent years,

Hereby releasing and waiving all rights under and by virtue of the Homestead Exemption
Laws of the State of Illinois, TO HAVE AND TO HOLD said premises.

Dated this 15 day of August 2024.

SEAL

Marjorie Meyer

State of Illinois, County of Lake
I, the undersigned, a Notary Public in and for said County and State, DO HEREBY CERTIFY
that Seller Marjorie Meyer, is personally known to me to be the same person whose name is
subscribed to the foregoing instrument, appeared before me this day in person, and
acknowledged that he/she signed, sealed and delivered the said instrument as his/her free and
voluntary act, for the uses and purposes therein set forth, including the release and waiver of
the right of homestead..

Given under my hand and official seal, this 15 day of August 2024.

Commission expires 10/17/2026 Randy S. Heidenfelder
Notary public

This Deed prepared by Randy Heidenfelder,
Attorney at Law, 480 Surryse Rd, Lake Zurich IL

Return Deed to: Christine Piesiecki, Attorney at Law,
9800 S. Roberts Rd, #205, Palos Hills IL 60465

Send subsequent tax bills and Buyer address: to RMB Properties Inc.,
79 Miller Road, Lake Zurich IL 60047

Hawthorn Woods,

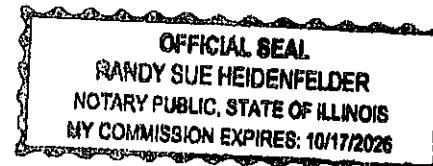


EXHIBIT "A"
Legal Description

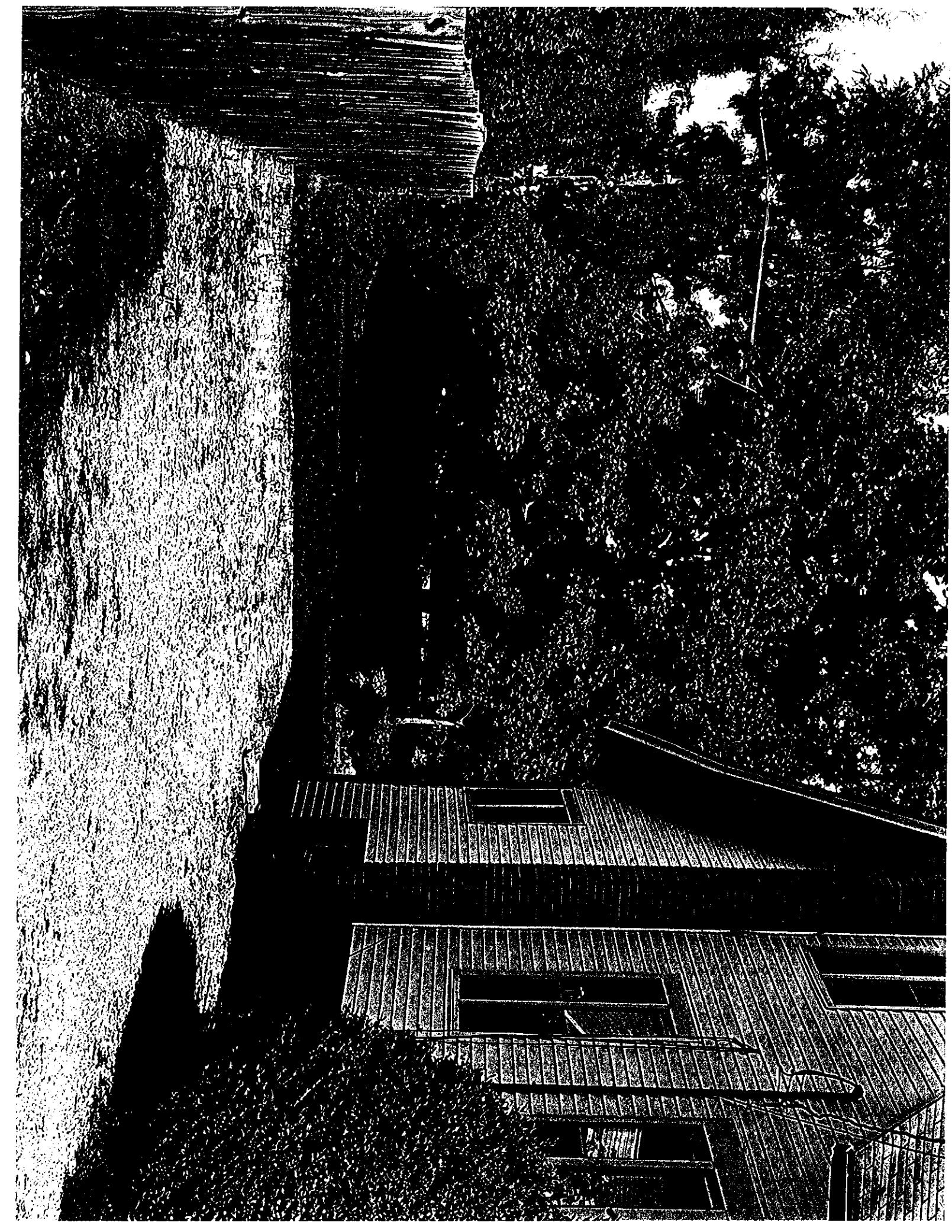
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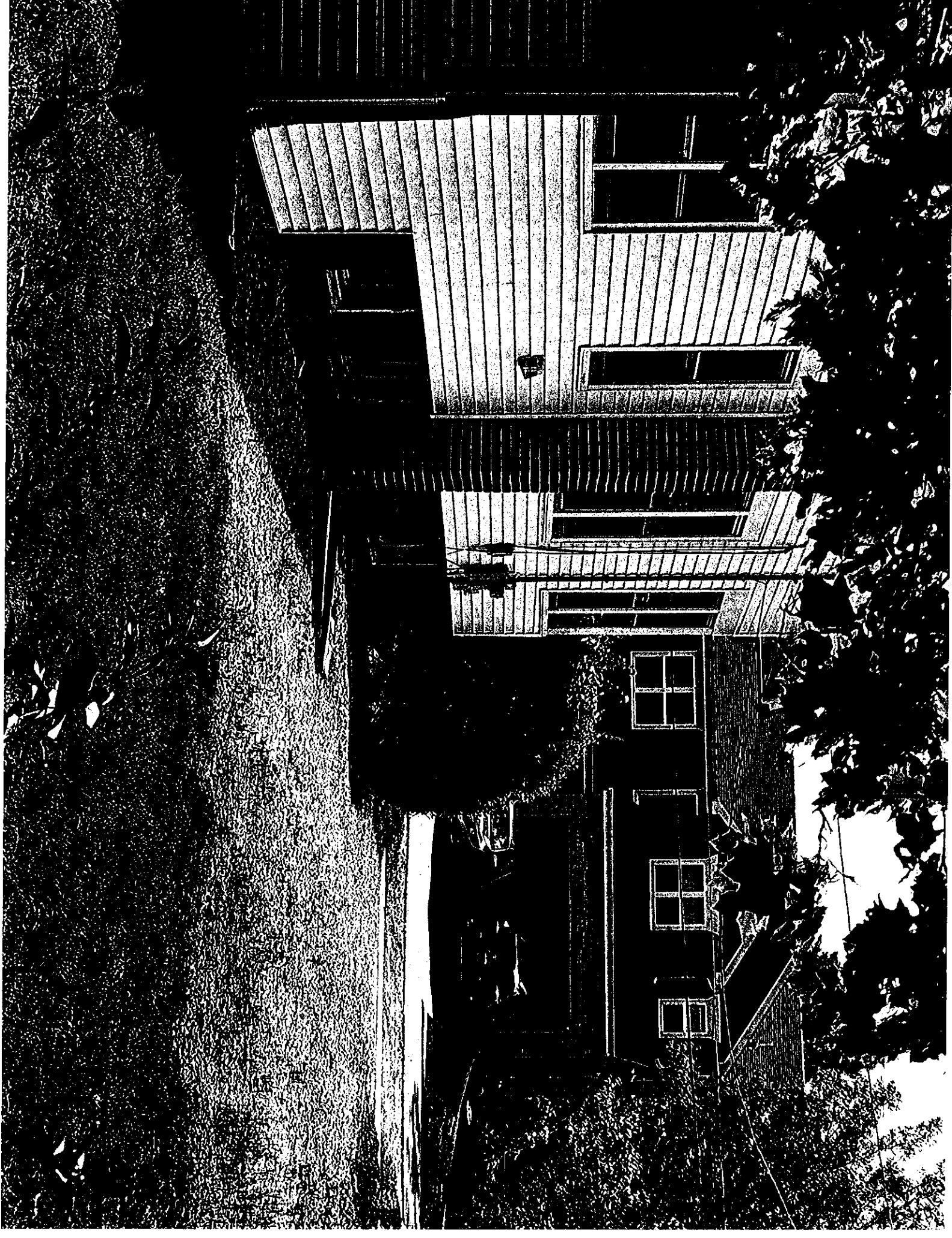
This page is only a part of a 2021 ALTA® Commitment for Title Insurance issued by Fidelity National Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I-Requirements; Schedule B, Part II-Exceptions; and a counter-signature by the Company or its issuing agent that may be in electronic form.

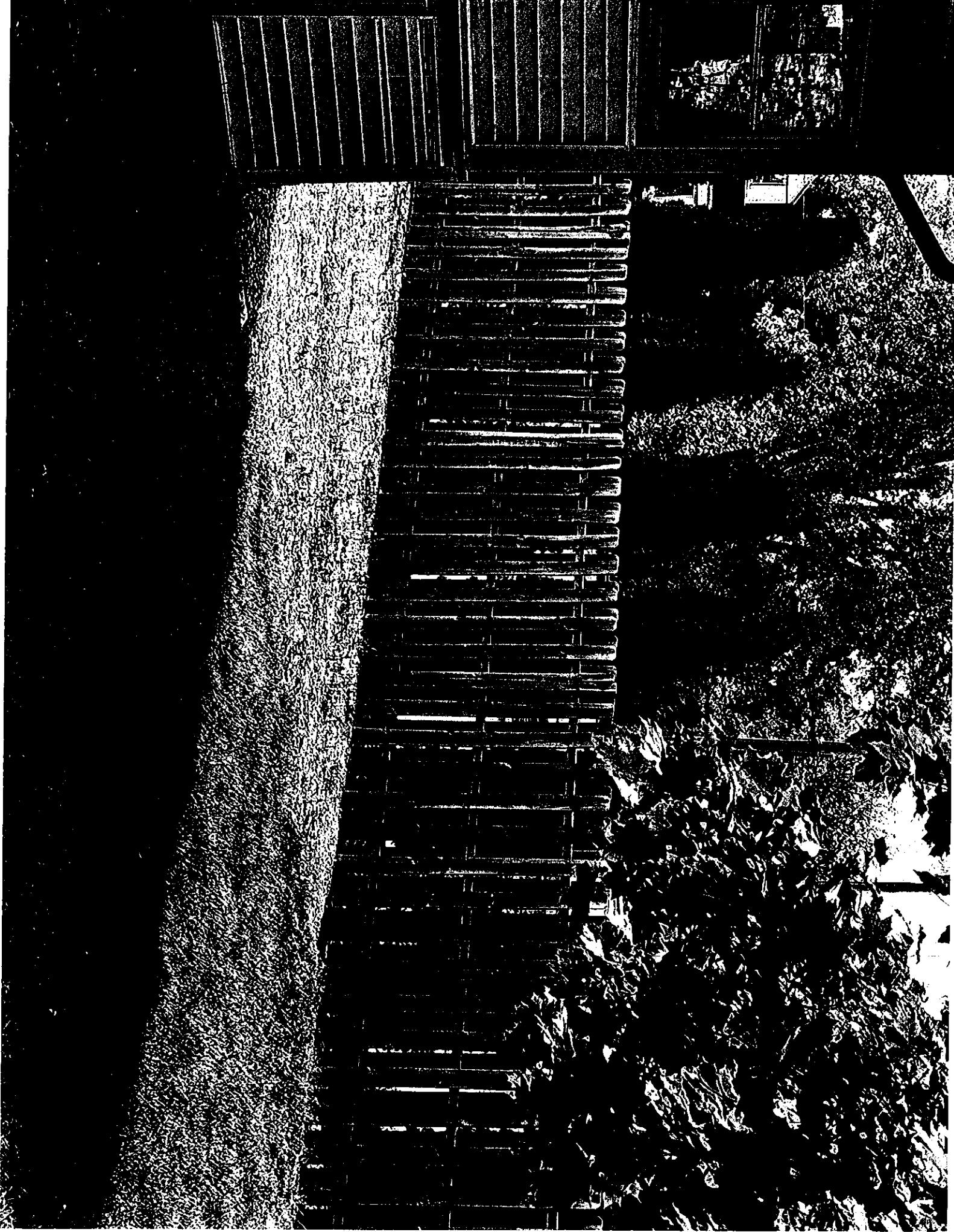
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ALTA Commitment for Title Insurance (07/01/2021)









I have verbally spoken with the owner of 36 Park ave, and understand he has requested a variance in order to add a 2 car garage to the northeast corner of his home. I have no objections to this request/project.

Lisa Côté 44 Park Ave Spa Côté

Mayte A Ocampo 37 Park Ave Mayte Ocampo

Don Mih owner of 35 W. Main St

A = ASSUMED
C = CALCULATED
CH = CHORD
CL = CENTERLINE
D = DEED
E = EAST
F.I.P. = FOUND IRON PIPE
F.I.R. = FOUND IRON ROD
L = ARC LENGTH
M = MEASURED
N = NORTH
NE = NORTHEAST
O = POINT OF BEGINNING
P.O.C. = POINT OF COMMENCEMENT
R = RECORD
RAD = RADIUS
R.O.W. = RIGHT OF WAY
S = SOUTH
S.I.P. = SET IRON PIPE
S.I.R. = SET IRON ROD
SW = SOUTHWEST
W = WEST

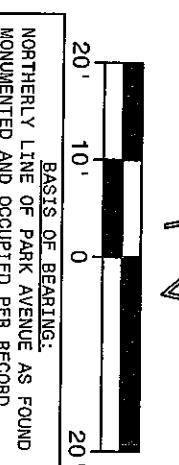
IRON PIPE
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*CONTAINING 8,712 SQ. FT. OR 0.20 ACRES MORE OR LESS."

AREA OF SURVEY:



BASIS OF BEARING:
NORTHERLY LINE OF PARK AVENUE AS FOUND
MONUMENTED AND OCCUPIED PER RECORD
SUBDIVISION.
N 51°37'00" W (R)

PLAT OF SURVEY

OF

