



Zoning Board of Appeals

Gregory Koeppen Chair

500 W. Winchester Road, Suite 101  
Libertyville, Illinois 60048  
Phone 847-377-2600  
Fax 847-984-5608  
Email pbdzoning@lakecountyil.gov

August 19, 2024

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

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

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CASE NO: VAR-000988-2024

HEARING DATE: August 22, 2024

REQUESTED ACTIONS: Variances from the requirements of the Lake County, Illinois Code of Ordinances (Lake County Code) to:

- 1.) Reduce the east side yard setback from 5 feet to 0 feet to allow for an accessory structure.

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**GENERAL INFORMATION**

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OWNER: Marshall Schoenke

# OF PARCELS: One

SIZE: 0.66 acres, per Lake County's Geographical Information Systems

LOCATION: 21924 W LINDEN AVE LAKE VILLA, IL

PIN: 0227308017

EXISTING ZONING: Residential-1 (R-1)

EXISTING LAND USE: Single family home and shed.

PROPOSED LAND USE: A single-family house with a 12' x 20' shed addition constructed to cover firewood.

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**SURROUNDING ZONING / LAND USE**

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EAST: Residential-1 (R-1) / Single-Family Residential

NORTH: Residential-1 (R-1) / Single-Family Residential

SOUTH: Residential-1 (R-1) / Single-Family Residential

WEST: Residential-1 (R-1) / Single-Family Residential

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**DETAILS OF REQUEST**

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ACCESS: Access is provided via W. Linden Ave.

NONCONFORMING LOT: The subject property is a nonconforming lot due to insufficient lot area.

FLOODPLAIN / WETLAND: There are no mapped wetlands or floodplain on the property.

SEPTIC AND WATER: The subject property is served by private septic system and well.

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**ADDITIONAL COMMENTS**

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- Lake County Code Section 151.233(C)(1)(b) states that the minimum interior side and rear setbacks for accessory structures on nonconforming lots shall be four feet.
- In addition, Lake County Code Section 151.233(C)(1)(f)(2) states that for each one foot of additional setback beyond four feet, the height of the accessory structure may be increased by two feet, to a maximum height of 20 feet. In this instance, the shed is 13 feet tall and therefore, the required setback for the structure is 5 feet.
- According to building permit records, the 12' x 20' addition to the shed was constructed after March 2024 without the required permits.

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## STAFF COMMENTS

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Jeff Schrei – Health Department

- The Health Department has no objection to the requested variances.

Andrew Heuser – Engineering Division

- The Engineering Division has no objection to this variance. A site permit may be required.

Hayden Green – Building Division

- The Building Division has no objections to the variance request.
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## RECOMMENDATION

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Staff is compelled to recommend denial of the variance because in Staff's opinion, the request fails to fully meet the approval criteria for variations specified in Lake County Code Section 151.056(C)(4) and recommends denial of the variance for the following reasons:

1. Exceptional conditions peculiar to the applicant's property:

Comment: The subject property is a nonconforming zoning lot due to insufficient lot area. It is also a corner lot subject to 30-foot front and side street setbacks. However, these factors, peculiar to the property, would not preclude the construction of a slightly smaller 12' x 15' addition, that meets the required setbacks, in the footprint of the existing 12' x 20' addition.

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

Comment: The applicant stated in his application that his property doesn't include a garage and that, in the future, he is planning to locate a 2-car detached garage in the northwest quadrant of his property. In addition, the northeast quadrant of his property contains a pool and deck.

While the property is nonconforming due to area and the applicant's current and proposed accessory structures would occupy a large portion of his lot, it is possible to construct an addition to the shed, of sufficient size to serve to cover firewood, that would also meet the required setbacks. For reference a full cord of firewood measure 8' wide x 4' deep x 4' high.

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

Comment: Notwithstanding Criteria 1 and 2 above, approving the variance request would have minimal impact on neighbors or the community. The structure is enclosed within the applicant's fenced yard and is not visible from the street.

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**RECOMMENDED CONDITION**

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In the event the Board grants the proposed variance, staff recommends the following conditions:

1. The location of the shed addition shall be consistent with the site plan accompanying ZBA application #000988-2024.