



Zoning Board of Appeals

Gregory Koeppen Chair

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May 10, 2023

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: #000866-2023

HEARING DATE: May 23, 2023

REQUESTED ACTIONS:

1. Reduce the west side street setback from 30 feet to 17.96 feet to alleviate the nonconforming status of an existing single-family dwelling.
2. Reduce the west side street setback from 30 feet to 23.8 feet to accommodate an addition to the house.

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**GENERAL INFORMATION**

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OWNER: Donald and Katherine Mueller

# OF PARCELS: Two

SIZE: 0.39 acres, per Lake County's Geographical Information Systems

LOCATION: 25155 & 25143 W CLARIDAN AVE ANTIOCH, 60002  
PINs 0112412001 & 0112412002

EXISTING ZONING: Residential-1 (R-1)

EXISTING LAND USE: Single family home.

PROPOSED LAND USE: The applicants are proposing to construct an addition to their kitchen on the west side of their house.

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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: General Commercial (GC) / 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 N. Virgil Ave.

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

FLOODPLAIN / WETLAND: The property contains no mapped floodplains or wetlands.

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

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**ADDITIONAL COMMENTS**

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- The side street setback for a structure on a nonconforming lot is a function of lot width. Per Section 151.233 (C)(1)(c), the minimum side street setback shall be four feet, plus one-half foot of additional setback for each foot of lot width above 28 feet. In this case, since the lot width exceeds 80 feet in width, the required side street setback is 30 feet.
  - According to assessor records, the house was constructed in 1965, before the current required side street setbacks were adopted.
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**STAFF COMMENTS**

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Jeff Schrei – Health Department

- The Health Department has no objections to the variance requests.

Andrew Heuser – Engineering & Environmental Services Division

- Engineering has no objection to the variances.

David Modrzejewski – Building Division

- The Building Division has no objections to the variance requests.

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## RECOMMENDATION

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In Staff’s opinion, the application meets the approval criteria for variations specified in Lake County Code Section 151.056(C)(4) and recommends approval of the variances for the following reasons:

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

Comment:

Variance Requests 1 & 2: The applicant’s house is located on a nonconforming corner zoning lot. It was constructed within the current required west side street setback before the current zoning code was adopted. The placement of the house in proximity to the right-of-way does not provide sufficient area to meet the side street setback for an addition.

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

Comment:

Variance Request 1: This variance request will confer legal status to an existing nonconformity.

Variance Request 2: The applicants are seeking to expand the home’s kitchen in order to accommodate a member of their household with a disability. Because of the layout of the home, the only reasonable location for an expansion of the kitchen is the construction of an addition onto the side of the home that is already encroaching into the side street setback.

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

Comment:

Variance Requests 1 & 2: The variation requests are in harmony with the general purpose and intent of the zoning regulations. The addition to the kitchen will be built over an existing deck and will extend into the west side street setback to a lesser extent than the existing most western wall of the house. Granting the requests will have no impact on neighboring properties.

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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 structure shall be consistent with the site plan accompanying ZBA application #000866-2023.