



April 18, 2018

TO: George Bell, Chairman
Lake County Zoning Board of Appeals

FROM: Brad Denz, Senior Planner
Lake County Department of Planning, Building and Development

CASE NO: #000329-2018

- REQUESTED ACTION:
1. Reduce the north street yard setback from 20 feet to 0.67 feet for an expansion to an existing detached garage, attaching the garage to the house.
 2. Reduce the west street yard setback from 15 feet to 0 feet for a second story addition to a single-family dwelling and to alleviate the nonconforming status of the existing single-family dwelling.
 3. Reduce the east side yard setback from 5 feet to 2.85 feet to alleviate the nonconforming status of the existing garage.

HEARING DATE: April 26, 2018

GENERAL INFORMATION

APPLICANTS: John Sfura, record owner

OF PARCELS: One

SIZE: 0.11 acre, per Lake County Maps Online

LOCATION: 23861 W. Rosemont Ln., Lake Villa, Illinois
P.I.N. 02-32-117-001

EXISTING ZONING: Residential-1 (R-1)

EXISTING LAND USE: Single-family dwelling

PROPOSED: Second story addition to the single-family dwelling and garage addition to the single-family dwelling

SURROUNDING ZONING / LAND USE

NORTH, SOUTH

And WEST:

Residential-1 (R-1) / single-family dwellings

SOUTH:

Residential-1 (R-1) / platted road (unimproved) and open space area

COMPREHENSIVE PLANS

LAKE COUNTY:

Residential Single-Family (0.25 – 1 acre)

DETAILS OF REQUEST

ACCESS:

Direct access to the single-family dwelling is from a platted right-of-way to the north.

NONCONFORMING LOT:

The subject property is a nonconforming lot in the R-1 zoning district due to lot size and lot width.

FLOODPLAIN / WETLAND:

The subject property contains no mapped wetlands or floodplains.

SEWER AND WATER:

The property is currently served by an off-site community septic system which is located approximately 100 feet to the northeast. The property is served by private water well.

ADDITIONAL STAFF COMMENTS

Lake County Division of Transportation - Comments by Joe Meyer

Rosemont Lane is under the Jurisdiction of Lake Villa Township. LCDOT offers no comment.

Lake County Health Department – Comments by Jeff Bixler

The Health Department has no objections to the requested variances. Note that the applicant will need to apply for a new septic system permit that will need to meet all of the requirements of the Lake County Code of Ordinances Chapter 171- Onsite Wastewater Treatment System ordinance and Chapter 170- Well and Water Regulations.

Lake County Environmental Engineering Division - Comments by Eric Steffen

The Engineering Division has no objection to the requested variance.

Lake County Building Division – Comments by Bob Springer

The Building Division has no objection to the granting of this request. Approval of the garage to house connection is subject to review of construction drawings and compatibility of the garage and house foundations.

ADDITIONAL COMMENTS

The subject property is located in the Goetz Subdivision and is bordered by three platted rights-of-way: Rosemont Lane, a platted alley to the north which is improved, utilized for principal access to several adjoining lots, and maintained as a street by the Township; Thorndale Avenue to the west (unimproved); and Lake Shore Avenue to the south (unimproved). As previously stated, the property is currently served by an off-site community septic system which is located approximately 100 feet to the northeast. As it is the intent of the applicant to increase the floor area, the Health Department will require an on-site septic system by the Health Department. Further, the required size of the septic system will necessitate an increase of the lot size by the applicant.

It is the intent of the applicant to acquire additional land area to the subject property by acquiring the 50' x 50' unimproved road of Lake Shore Avenue to the south via the street vacation application process. This street vacation process can be requested by the applicant with the Lake County Planning, Building and Development Department, or independently with Lake Villa Township. It should be noted that any variation approval by the ZBA is not an approval of the Health Department septic system size or land area requirement. Further, any variation approval by the ZBA is not an approval of the street vacation necessary to obtain the land area for the proposed septic system.

RECOMMENDATION

Staff recommends approval. In our opinion the request meets the required standards in the following manner:

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

Comment: It is the desire of the applicant to construct a second story addition to the existing house and an addition to the existing detached garage, which will become an attached garage. The following features and characteristics constitute, in the aggregate, exceptional conditions in staff's opinion:

- The subject property is located in the Residential-1 (R-1) zoning district and is nonconforming due to lot area and lot width. The lot is 4,792 square feet in area and 50 feet wide, in sharp contrast to conforming lots in R-1 which are 40,000 square feet and 130 feet of lot width.
- Meeting three street yard setbacks is a challenge as platted streets surround the property to the north, south and west.
- The proposed septic area would be located on the south side of the property.
- The existing structures are currently within the setback lines.

Ultimately the size of the lot, restrictive street yard setbacks and placement of the existing single-family dwelling and garage renders any type addition to the house or existing garage within the setbacks unachievable. Given these on-site features, a justification can be made to place the proposed addition within the street yard setbacks.

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

Comment: Given the location of the existing single-family dwelling and garage along with the on-site limitations, the location of the proposed improvements are appropriate as there is no other viable location present on the property. Denial of the requested variances would prevent the owners from improving their property consistent with nearby properties.

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

Comment: The variation request is in harmony with the general purpose and intent of the zoning regulations. The proposed floor area for the single-family dwelling and two-car garage is considered appropriate for the beneficial use of residentially zoned property. The proposed placement of the improvements will not have a negative effect upon the adjacent property owners.

RECOMMENDED CONDITIONS

In the event the Board grants the variation of the proposed street and side yard setbacks, staff recommends that it be limited to the site plan of ZBA application #000329-2018.