



**Lake County Central Permit Facility**  
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August 31, 2016

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

FROM: Krista Braun, Planner  
Lake County Department of Planning, Building, and Development

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CASE NO: 8137

HEARING DATE: September 8, 2016

REQUESTED ACTIONS:

1. To reduce the required north side yard setback from 13 feet to 1.95 feet to accommodate the construction of a single family home and attached deck. The building wall would be no closer than 2.95 feet from the property line and the overhang would be no closer than 1.95 feet.
  2. To reduce the street yard setback from 30 feet to 6.03 feet to accommodate the reconstruction of an existing detached garage. The building wall would be no closer than 7.61 feet from the property line and the overhang would be no closer than 6.03 feet.
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**GENERAL INFORMATION**

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OWNER: Donna and Darryl Hymel

# OF PARCELS: Three

SIZE: 0.47 acres, per Lake County's Geographical Information Systems

LOCATION: 35268 N. Lake Shore Rd, Ingleside, Illinois.  
PIN(s) 01-25-406-008, 01-25-406-009, & 01-25-406-010

EXISTING ZONING: Residential-1 (R-1)

EXISTING LAND USE: Single-family dwelling

PROPOSED LAND USE: The applicant is proposing to rebuild the existing single family residence and detached garage.

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**SURROUNDING ZONING / LAND USE**

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EAST: Open Space (OS) / Boat Channel to Petite Lake

NORTH, SOUTH,  
and WEST: Residential-1 (R-1) / Single-Family Residential

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**COMPREHENSIVE PLANS**

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LAKE COUNTY: Medium Lot Residential 1-3 acre lot density

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**DETAILS OF REQUEST**

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ACCESS: Direct access is provided via N Woodland Avenue

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

FLOODPLAIN / WETLAND: The property contains mapped floodplains and wetlands.

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

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**ADDITIONAL COMMENTS**

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- The subject property is one zoning lot that is comprised of three parcels (PIN 01-25-406-008, 01-25-406-009, & 01-25-406-010). All zoning requirements have been determined using the combined area and lot width of the three lots.
- The side yard setback for a structure on a nonconforming lot is a function of the lot width measured at the front setback line. Lake County Code Section 151.233(C)(1)(b) specifies the front setback shall be a minimum of 10% of the lot width, but not greater than specified for the

underlying zoning district. In this instance, 10% of the zoning lot width of the subject property would be greater than the minimum setback required for the R-1 zoning district, which is 13 feet.

- The applicant is proposing to rebuild the existing single family home and detached garage using the current footprints of both structures and as proposed, would maintain the existing separation from the front and northern side yards respectively. The home is currently served by an existing well and onsite wastewater treatment system and it is the owners' desire to retain the use of these systems.

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### STAFF COMMENTS

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Joe Meyer – Lake County Division of Transportation (LCDOT)

- Woodland Ave is an Antioch Township Road; therefore, LCDOT offers no comments on the requested setback variations.

Jeff Bixler – Environmental Health Services

- The proposed alterations will be less than 50 percent increase in square footage with no increase in bedrooms; House to be rebuilt on same footprint.

Eric Steffen – Engineering & Environmental Services Division

- The Engineering Division has no objection to the requested variances.

Robert Springer – Building Division

- The building division has no objection to the granting of these variances.

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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: There are several physical characteristics unique to the applicant's property that demonstrate exceptional conditions. The location of the existing house, constructed in 1950, is situated 2.95 feet from the north property line at the closest point. The existing detached garage is located 7.61 feet from the front property line. The water well is positioned between the garage and the house, and the septic system is located on the parcels to the south of the residential structures. Additionally, the property is bounded on the east side by a boat channel to Petite Lake and a large portion of the property lies

below the base flood elevation line. Finally, there are several mature, healthy trees located on the subject property. The area reasonably suited for locating a house and garage are limited to the existing footprints due to these factors.

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

Comment: The property owners desire to rebuild the existing single family dwelling. In order to retain the use of the existing septic system, per the Onsite Wastewater Treatment Systems regulations of Chapter 171 of the Lake County, Illinois Code of Ordinances, the home must be reconstructed on its current footprint, which currently does not meet the side yard setback requirements. Relocating the home elsewhere on the property in order to comply with the side yard setback would be impractical, as it would require the installation of a new septic system and the removal of several mature trees. Additionally, the topographical constraints related to the floodplain further limit the location of the house and garage to their respective current locations. Without variances from the front and side yard setback requirements, the property owners could not reestablish these structures in their current location.

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

Comment: The variation requests are in harmony with the general purpose and intent of the zoning regulations. Approving these variances will enable the construction of a code-compliant single family home and detached garage. The reduction to the side yard setback should not have a negative impact on the neighboring property, as the existing 15-foot separation between the two single family homes would be preserved. The proposed deck is consistent in design and placement to that of the adjacent house on the north. The reduction in the front yard setback to rebuild the existing garage should also not unduly impact neighboring properties, as the property is located in an area where many of the structures are in close proximity to the front property line. Both structures have existed in their current locations since 1950 with no adverse impacts. In contrast, relocating the structures would negatively affect the surrounding neighborhood, especially in regard to the removal of the existing trees.

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**RECOMMENDED CONDITIONS**

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1. In the event the Board is inclined to grant the proposed variance request, staff recommends the Board condition their action on the consolidation of the three parcels be completed and that it be consistent with the site plan proposed with this zoning case.