



July 5, 2024

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

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

CASE NO: #000974-2024

HEARING DATE: July 11, 2024

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

1. Reduce the front street setback from 30 feet to 1.26 feet, as measured from the eave, to accommodate the incorporation of a detached garage and addition to the principal structure.
2. Reduce the west side yard setback from 8.3 feet to 2.25 feet, as measured from the eave, to accommodate an existing single-family house.

GENERAL INFORMATION

OWNER: Joel Burns, record owner

OF PARCELS: Two

SIZE: 0.33 acres, per Lake County's Geographical Information Systems

LOCATION: 39428 N CIRCLE AVE ANTIOCH, IL

PINs: 0125406031 & 0125406032

EXISTING ZONING: Residential-1 (R-1)

EXISTING LAND USE: Single family home.

PROPOSED LAND USE: Single-family home with house and garage additions.

SURROUNDING ZONING / LAND USE

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

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

SOUTH: Open Space (OS) / Petite Lake

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

DETAILS OF REQUEST

ACCESS: Direct access is provided via Circle Ave.

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

FLOODPLAIN / WETLAND: The southern two-thirds of the property is within mapped floodplain.

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

ADDITIONAL COMMENTS

- The minimum front setback for a principal structure on a nonconforming lot is a function of the lot width. Section 151.233(C)(1)(a) of the LCC requires the minimum front setback shall be 20% of the lot depth or the underlying zoning district setback, whichever is less. In this instance, 20% of the lot depth would be greater than the minimum setback required for the R-1 zoning district, so the required front yard setback is 30 feet.
- The minimum interior side setback for a structure on a nonconforming lot is a function of the lot width. Lake County Code Section 151.233(C)(1)(b) specifies the minimum interior side setback shall be four feet or 10% of the lot width (which is measured at the required front setback line), whichever is greater. In this instance, 10% of the lot width is 8.3 feet.
- According to assessment records, the house was constructed in 1960 and the garage in 1972.

STAFF COMMENTS

Miriam Vega – Health Department

- The Health Department has no objection so long as the minimum well and septic system setback distances are met. These distances will need to be verified at time of permitting.

Andrew Heuse – Engineering Division

- The Engineering Division has no objection to these variances. Please note that the addition may be located partially within the Regulatory Floodplain, which would place the entire structure within the Regulatory Floodplain. All applicable portions of the LCC will apply. A site permit will be required.

Hayden Green – Building Division

- The Building Division has no objection to the variance requests.
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RECOMMENDATION

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 Request 1:**

The subject property is a nonconforming lot since it meets neither the minimum lot area nor minimum lot width for the zoning district. The south two-thirds of the property is within the regulatory floodplain. There is a significant grade change on the property that begins directly to the front of the house. Additionally, the presence of several mature trees and the septic system would present challenges to a rear house addition.

Variance Request 1 & 2:

The house and garage were constructed within the current required front and side yard setbacks before the current code was adopted.

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

Comment: **Variance Request 1:**

The location of the house on the lot prevents the applicant from constructing house and garage additions that would meet the required front setback while preserving the character of the front façade, and while providing the occupants with safe access between the garage and the house. Additionally, given the location of the mature trees and septic system and constraints related to floodplain and site topography, the proposed location utilizes the only practical area available for the addition.

Variance Request 2:

This variance request will confer legal status to an existing nonconformity.

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

Comment: **Variance Request 1 & 2:**

The variation requests are in harmony with the general purpose and intent of the zoning regulations. The house addition will allow the applicants to expand the living space and provide safe access between the garage and house and confer legal status to a nonconformity. Granting the variances will have no appreciable impact on adjacent properties or the surrounding neighborhood.

RECOMMENDED CONDITION

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

1. The location of the additions shall be consistent with the site plan accompanying ZBA application #000974-2024.