



December 6, 2024

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

FROM: Melanie Comer, Planner  
Lake County Department of Planning, Building, and Development

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CASE NO: #001034-2024

HEARING DATE: December 12, 2024

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

- 1.) Reduce the side yard setback from 13 feet to 10 feet to allow for the construction of a single-family home.
- 2.) Reduce the rear yard setback from 20.8 feet to 10 feet to allow for the construction of a single-family home.

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**GENERAL INFORMATION**

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OWNER: Ronan & Marie O'Malley

# OF PARCELS: Four

SIZE: 0.34 acres, per Lake County's Geographical Information Systems

LOCATION: 41967, 41955, 41945, and 41935 N Pauline St, Antioch, IL  
PIN: 01-13-101-026, 01-13-101-027, 01-13-101-028, 01-13-101-029

EXISTING ZONING: Residential-1 (R-1)

EXISTING LAND USE: Vacant

PROPOSED LAND USE: The applicant is proposing to construct a single-family dwelling on PIN - 026.

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**SURROUNDING ZONING / LAND USE**

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

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

SOUTH: Open Space (OS) / Lake Marie

WEST: Residential-1 (R-1) / Township Road (N Pauline St) and Residential

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**COMPREHENSIVE PLAN**

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LAKE COUNTY: Residential Single-family Medium Lot (1 to 3-acre lot density)

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**DETAILS OF REQUEST**

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ACCESS: Access is provided via N Pauline St.

CONFORMING LOT: The subject property, comprised of four parcels, is considered a non-conforming zoning lot in the Residential-1 (R-1) zoning district given that it does not meet the minimum lot area requirement of the R-1 district.

FLOODPLAIN / WETLAND: The property contains mapped floodplain on the southern portion of the property.

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

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**ADDITIONAL COMMENTS**

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- The minimum interior side and rear yard setbacks for a principal structure on a nonconforming lot is set forth in Section 151.233 (C)(1)(b) of the Lake County Code. The minimum interior side and rear setback for principal structures shall be four feet or 10% of the lot width, whichever is greater, but no greater than the setback specified for the underlying zoning district. In this case, the width of the lot is 208 feet, which dictates a 20.8-foot setback to the east (rear), and a 13-foot setback to the north (side).

- The owners would like to retain the use of existing well and septic systems. Per department records, the subject property was previously improved with a residence that endured storm damage and was demolished in 2010 as a result.
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### **STAFF COMMENTS**

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Jeff Schrei – Lake County Health Department

- Lake County Health Department has no objections to the requested variance.

Andrew Heuser – Engineering Division

- The Engineering Division has no objection to the requested variance.
- A site permit will be required.
- Note, there is floodplain located on the site.

Ieva Donev – Building Division

- Building Division has no objections to the proposed variances. A building permit will be required. Please note the proposed project will have to comply with currently adopted codes and amendments. Residence needs to be protected by the sprinkler system. If dwelling is on a well, holding tanks could be required.

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## RECOMMENDATION

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In Staff's opinion, the variances requested meet the approval criteria 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 & 2: A conforming lot in the R-1 zoning district has a minimum of 40,000 square feet. The subject property is considered non-conforming because it is well below the required lot area at approximately 20,069 square feet. Floodplain exists on the southernmost half of the property. The location of the septic system spans three lots: -026, -027, and -028. The existing well is located on PIN -029. The requested variance is a result of the subject property's physical characteristics that limit the area available for the house.

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

Comment:

Variance Request 1 & 2: The property contains exceptional conditions that limit the location of the proposed single-family home. The removal and relocation of the septic system is not possible due to the location of the floodplain to the south and the driveway to the north. Due to the existence of floodplain on the southern portion of the subject property, the placement of the home further south would encroach into floodplain. The proposed house cannot be moved any further south due to setback requirements from septic systems. Therefore, the proposed dwelling must either be located where it is proposed or within the floodplain. Given the location of the septic system and driveway, the proposed location for the single-family home utilizes the only practical area of the lot.

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 for the proposed single-family dwelling. The single-family dwelling as proposed will not have a negative impact

upon the adjacent properties and is surrounded by other single-family dwellings.

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**RECOMMENDED CONDITION**

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In the event the Board decides to approve the proposed variances, staff recommends the following conditions:

1. The location of the proposed addition to the existing single-family home shall be consistent with the site plan accompanying ZBA application #001034-2024.