



Zoning Board of Appeals

Gregory Koeppen Chair

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August 29, 2023

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: #000897-2023

HEARING DATE: September 14, 2023

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

- 1.) Reduce the rear setback from 9.1 feet to zero feet to accommodate the construction of patio, steps and retaining wall and the existing deck and from 9.1 feet to 7 feet to accommodate the existing house.
- 2.) Reduce the front setback from 10.5 feet to 5.32 feet to accommodate the existing house.

GENERAL INFORMATION

OWNER: Prince Family Trust Agreement (Cynthia and John Prince, co-trustees)

OF PARCELS: One

SIZE: 0.11 acres, per Lake County's Geographical Information Systems

LOCATION: 27887 N HICKORY LN WAUCONDA, IL 60084

PIN: 0925104062

EXISTING ZONING: Residential-1 (R-1)

EXISTING LAND USE: Single family home.

PROPOSED LAND USE: The applicants are proposing to replace a retaining wall, stairs, and a patio.

SURROUNDING ZONING / LAND USE

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

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

SOUTH: Residential-1 (R-1) / Open Space

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

DETAILS OF REQUEST

ACCESS: Access is provided via N. Hickory Ln.

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 public water and sewer.

ADDITIONAL COMMENTS

- The front street setback for a structure on a nonconforming lot is a function of lot depth. Per Lake County Code (LCC) Section 151.233 (C)(1)(a), the minimum front setback shall be 20% of the lot depth or the underlying zoning district setback, whichever is less. In this case, the required front street setback is 10.5 feet.
- The minimum rear setback for a structure on a nonconforming lot is a function of the lot width. LCC Section 151.233(C)(1)(b) specifies the minimum rear setback shall be four feet or 10% of the lot width, whichever is greater. In this instance, 10% of the lot width is 9 feet.
- According to assessor records, the house was constructed in 1981, however, based on aerial photography, a house has been on the lot at the same location since at least 1939.

- The applicants' lot abuts homeowners' association land on three sides.
- The house includes a deck and a lower-level sunken walkout patio which is located under the deck. The patio includes stairs and retaining wall. Currently, a portion of the patio, stairs and retaining wall encroach onto the homeowners' association property.
- Because they have deteriorated, the applicants propose to rebuild and reconfigure the retaining wall, patio, and stairs. All the improvements will be rebuilt solely on their property.

STAFF COMMENTS

Andrew Heuser – Engineering & Environmental Services Division

- Engineering has no objection to the variances.

David Modrzejewski – Building Division

- The Building Division has no issues with this variance request.

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:

The house is located on a very small, 4,613 square foot lot. According to tax assessor's records, the house was constructed in 1981. Aerial photography shows that a house was located on the lot, in the same location, since at least 1939. The existing house and deck encroach into the current required front and rear setbacks.

The retaining wall, walkout patio, and stairs were constructed under the deck sometime after 1981 but before the current owners purchased the property. These improvements encroach into the required rear setback and onto the homeowners' association property.

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

Comment:

The applicants propose to replace the patio, stairs, and retaining wall. Relocating the retaining wall and patio to the required setback of 4 feet would reduce the usable space of the patio.

The house and deck were constructed within the currently required setbacks many years before the current code was adopted. The variance requests will confer legal status to an existing nonconformity.

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.

These variance requests recognize the current nonconforming location of the house and deck and will allow the applicants to reconstruct the patio, stairs, and retaining wall solely on their property, thereby eliminating an encroachment onto Association property and improving the appearance of the subject property.

RECOMMENDED CONDITIONS

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

1. The location of the structures shall be consistent with the site plan accompanying ZBA application #000897-2023.