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July 9, 2015

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

FROM: Eric J. Tooke, Senior Planner  
Lake County Department of Planning, Building, and Development

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CASE NO: 7248

HEARING DATE: July 16, 2015

REQUESTED ACTIONS:

1. Reduce the required lot width from 60 feet to 51.26 feet.
  2. Reduce the required lot area from 12,000 square feet to 7,248 square feet.
  3. Reduce the required street setback from 30 feet to 20 feet.
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**GENERAL INFORMATION**

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OWNER: Christina McGee

# OF PARCELS: 1

SIZE: 0.28 acres per Surveyor Calculation

LOCATION: 25652 W. Columbia Bay Drive, Lake Villa, Illinois. PIN 05-01-101-005

EXISTING ZONING: Residential-3 (R-3)

EXISTING LAND USE: Accessory Structure Containing an Indoor Swimming Pool, and a portion of a Single Family Dwelling (primarily located on the lot to the south)

PROPOSED LAND USE: Single Family Dwelling

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**SURROUNDING ZONING / LAND USE**

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EAST: Residential-3 (R-3) / Single-Family Residential

NORTH: Residential-3 (R-3) / Single-Family Residential

SOUTH: Residential-3 (R-3) / Single-Family Residential

WEST: Open Space (OS) / Fox Lake

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**COMPREHENSIVE PLANS**

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LAKE COUNTY: Residential Small Lot

VILLAGE OF LAKE VILLA: Not Designated

VILLAGE OF FOX LAKE: Not Designated

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**DETAILS OF REQUEST**

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ACCESS: Direct access is provided from W. Columbia Bay Drive.

CONFORMING LOT: The subject property was platted as a conforming lot, with sufficient lot width (greater than 60 feet) and sufficient lot area (greater than 12,000 square feet). Over time the shoreline has eroded, which has resulted in a nonconforming lot. The present lot area of the land is now 11,991 square feet, which is less than the required minimum lot size of 12,000 square feet.

FLOODPLAIN / WETLAND: The property does contain mapped floodplains on the western third of the property and wetlands along the shoreline.

SEWER AND WATER: The property has access to Public Works sewer and water

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## ADDITIONAL STAFF COMMENTS

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The subject parcel is zoned R-3 Residential (R-3). Historically the subject property and the parcel to the south were treated as and considered one "zoning lot," per Subsection 151.271 of the Lake County Code, as the principal structure crosses the shared property line and the lots were under common ownership (most recently owned by Todd Stolarik and Christina McGee from August 2005 to March 2014). Available records indicate that the zoning lot has had common ownership dating back to at least 1982 (the earliest record available). According to assessment records, the original home was constructed on both properties in 1959, and aerial photography indicates the indoor pool addition was constructed between 1980 and 1993.

At some time between March 2012 and March 25, 2014 a portion of the house was removed, creating the two structures that exist today. The main house still overlaps the property boundary of both parcels and the second, newly created structure is located entirely on the subject lot. According to Lake County records, on March 25, 2014 Ms. McGee recorded a quit claim deed conveying her property interest in the lot to the south to Mr. Stolarik, leaving Mr. Stolarik as the sole owner of that lot. Concurrently, Mr. Stolarik recorded a quit claim deed conveying his property interest in the subject property to Ms. McGee, leaving Ms. McGee as the sole owner of the subject parcel. The parcels now function as two separate lots.

On March 25, 2014 Ms. McGee submitted to staff an incomplete variance application to reduce a street yard setback for a proposed attached garage on the subject parcel. On April 11, 2014 Mr. Stolarik applied for a permit to demolish the breezeway connecting the two sections of the residence. Based upon information presented at the time of application, staff issued the demolition permit. Subsequent to learning of the full extent of work and the property conveyance actions, on April 16, 2014, the subject properties were issued Notices of Violation for the alteration of an attached garage and deck for the lot to the south and establishment of an accessory structure without a principal structure on the subject property.

As the indoor pool facility was established between 1980 and 1993, this office has no permit records, building drawings, nor current staff knowledge of the building interior.

It is the intention of the applicant to convert the newly separated building that held a swimming pool into a single-family dwelling. Variances from dimensional standards for both lots are required to accomplish this goal.

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## STAFF COMMENTS

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Staff of the Lake County Division of Transportation, Public Works, and the Building and Engineering Division, have provided the following comments:

Joe Meyer – Lake County Division of Transportation

- Columbia Bay Drive is a Lake Villa Township Road; therefore, LCDOT has no comments on the requested variances.

Scott Baum – Public Works

- Public Works has no concerns regarding this project.

Eric Steffen – Engineering

- This division has no objection to the requested variances. A Site Development Permit will be required for the project.

Robert Springer – Building

- Should the variance be approved, the building division will need to verify that the "pool house" meets the minimum standards required for it to be classified as a single family dwelling. If the variances are not approved, the building division will work to resolve the outstanding violation. Inspection of both structures is necessary to fully assess outstanding issues.

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## RECOMMENDATION ON VARIANCES

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Staff recommends denial for the variance requests. In Staff's opinion, the variance requests do not comply with the standards in the following manner:

### **Zoning Variance Approval Criteria – LCC Subsection 151.056 (C)(4)**

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

Comment - Since at least 1993 based on historical aerials, the pre-violation single family dwelling and indoor pool facility had been one structure that included the subject property and had been part of a legal conforming zoning lot. Furthermore, the principal structure crosses the shared lot boundary. The zoning lot has likely functioned as such since its

construction in 1959 (the earliest available record indicates common ownership since 1982).

In its current configuration, the subject lot is slightly nonconforming in lot area, although it was platted as a conforming lot. The movement of the common lot line northward will significantly increase the nonconformity of the subject lot due to both lot width (less than 60 feet) and lot area (less than 12,000 square feet). Zoning lots are common throughout Lake County, with many structures crossing internal lot lines. There are no characteristics that are peculiar or unique to this property.

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

Comment - There was no practical difficulty or particular hardship. The current conditions are a self-created hardship due to the following:

- a. The subject property and the property to the south were owned by both Mr. Stolarik and Ms. McGee and the subject parcel with the lot to the south was considered one conforming zoning lot. Both properties functioned as one zoning lot with common ownership as far back as 1982, and perhaps since original construction in 1959. Most recently both lots were owned by Todd Stolarik and Christina McGee from August 2005 to March 2014.
- b. The property was improved with one single-family dwelling, which was altered by the applicants by removing the breezeway to create two buildings.

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

Comment - The subject property is slightly nonconforming in its current configuration; while the lot was platted as a conforming lot, it has lost land area due to erosion. Most lots in this area are of conforming area, and out of 40 area properties, it appears only three lots are of nonconforming width. The requested reduction in lot area and width would be out of character with the neighborhood and is not in harmony with the purpose or intent of the Lake County Code.

The request to reduce the street yard setback would accommodate a proposed attached garage. With the exception of the house to the south (which had previously been part of the same zoning lot as the subject property), a street yard setback would not match the pattern of development in this area of the subdivision. Other neighboring structures consistently meet street setbacks.